UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1994/104/Add.2
15 August 1994

ENGLISH
Original: SPANISH

[Substantive session of 1995]

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

COLOMBIA*

[20 July 1994]

CONTENTS

	Paragraphs	Page
I. GENERAL INFORMATION ON THE REPUBLIC OF COLOMBIA AND THE GENERAL PROVISIONS OF THE COVENANT . .	1 - 123	3
A. Territory and population	1 - 21	3
B. Selected socio-economic indicators	22 - 23	7
C. General political structure	24 - 62	10

---

* The second periodic reports concerning rights covered by articles 6 to 9 (E/1984/7/Add.21/Rev.1), 10 to 12 (E/1986/4/Add.25) and 13 to 15 (E/1990/7/Add.4) were considered by the Sessional Working Group of Governmental Experts at its 1986 session (E/1986/WG.1/SR.22 and 25) and by the Committee on Economic, Social and Cultural Rights at its 1990 (E/C.12/1990/SR.12-14) and 1991 (E/C.12/1991/SR.17, 18 and 25) sessions respectively.

GE.94-18131 (E)

CONTENTS (continued)

		Paragraphs	Page
D.	General legal framework for the protection of human rights	63 - 97	15
E.	Incorporation of the Covenant into national legislation and publicization of the rights it safeguards	98 - 99	24
F.	General provisions of the Covenant	100 - 123	24
II.	SOCIAL POLICY IN COLOMBIA BETWEEN 1990 AND 1994: TRENDS IN SOCIAL EXPENDITURE	124 - 238	30
A.	Trends in social expenditure as a whole and by sector during the period 1990-1994	132 - 191	31
B.	Institutional reforms	192 - 228	49
C.	Conclusions	229 - 238	54
III.	REPORT ON SPECIFIC RIGHTS	239 - 786	56
A.	Article 6	239 - 303	56
B.	Article 7	304 - 322	67
C.	Article 8	323 - 335	72
D.	Article 9	336 - 384	74
E.	Article 10	385 - 448	80
F.	Article 11	449 - 551	91
G.	Article 12	552 - 622	117
H.	Article 13	623 - 665	132
I.	Article 14	666 - 687	140
J.	Article 15	688 - 786	144

The annexes referred to in the text are available for consultation in the files of the Centre for Human Rights.

I. GENERAL INFORMATION ON THE REPUBLIC OF COLOMBIA AND THE GENERAL PROVISIONS OF THE COVENANT

A. Territory and population

1. The first ethnographic studies of Colombia were carried out in the early 1940s and became official in 1941 with the creation of the National Ethnological Institute, the predecessor of the present Colombian Anthropological Institute (ICAN).

2. The Colombian population is 58 per cent mestizo, 20 per cent white, 14 per cent mulatto, 4 per cent black, 1.7 per cent indigenous and 2.3 per cent others.

3. Spanish is the recognized official language of Colombia, which also has the rich linguistic heritage of its indigenous communities. Sixty-four languages belonging to 13 linguistic families have been identified (Chibcha, Arawak, Carib, Macro-Tukano, Witoto, Sikuani, Quechua, Kamsa, Kofan, Maku-Nukak, Bora, Saliba and Puinabe). Article 10 of the new Constitution accords official status to the languages and dialects of ethnic groups in their territories and establishes the right to bilingual education for those communities with their own linguistic traditions.

4. "Freedom of worship is guaranteed. All persons are entitled to freely practise their religion and teach it individually or collectively" (art. 19 of the Constitution).

5. Ninety-five per cent of the population are Roman Catholics, and the remaining 5 per cent practise other religions.

Education

6. "Education is a right of the individual and a public service which has a social function ... The State, society and the family are responsible for education, which shall be compulsory between the ages of 5 and 15 years and shall comprise not less than one pre-school year and 9 years of basic education" (art. 67 of the Constitution).

7. The following table shows the number of pupils, teachers and schools in urban and rural areas, and in the public and private sectors at the pre-school, basic, primary and intermediate levels, for 1993 (latest official figures).

COLOMBIA - Educational variables

PUPILS, TEACHERS AND SCHOOLS BY LEVEL, AREA AND SECTOR, 1993

Level	Pupils	%	Teachers	%	Schools	%
1. Pre-school education	501 665	100	20 579	100	9 786	100
Urban	466 510	92.9	19 038	92.5	8 812	90.1
Rural	35 155	7.0	1 541	7.48	974	9.9
Public sector	217 128	43.3	8 047	39.1	5 123	52.4
Private sector	284 537	56.7	12 532	60.9	4 663	47.6
2. Primary education	4 598 592	100	166 123	100	44 693	100
Urban	3 046 351	66.2	105 337	63.4	12 903	28.8
Rural	1 552 241	33.7	60 786	36.6	31 790	71.1
Public sector	3 808 484	82.8	135 505	81.6	39 290	87.9
Private sector	790 108	17.2	30 618	18.4	5 403	12.1
3. Secondary and vocational education	2 792 110	100	133 567	100	6 518	100
Urban	2 627 439	94.1	122 230	91.5	5 546	85.1
Rural	164 671	5.9	11 337	8.48	972	14.9
Public sector	1 742 087	62.4	79 718	59.7	3 440	52.8
Private sector	1 050 023	37.6	53 849	40.3	3 078	47.2

Source: DNP-UDS-Education Division, Ministry of Education. Information certified by the Secretary for Education.

8. Since the beginning of this century, the figures for the growth, structure and distribution of Colombia's population have changed significantly. The following figures for inter-census growth from 1951 are intended to provide a clearer picture of this trend.

COLOMBIA: POPULATION BY AREA OF RESIDENCE
(at 30 June each year)

Year	Total	Capital	Other	Total growth %	Capital growth %	Growth other %
1951	11 160 077	4 502 906	7 097 171	3.14	5.39	1.74
1964	17 422 109	9 044 884	8 377 225	2.90	5.06	0.63
1973	22 603 486	13 320 919	9 282 567	2.89	4.30	0.90
1985	29 480 995	19 247 770	10 233 225	2.17	3.00	0.63
1990	32 299 788	21 597 059	10 702 729	1.82	2.30	0.87
1993	33 951 171	22 972 010	10 979 161	1.66	2.05	0.84
1995	35 098 736	23 936 937	11 161 799	1.66	2.05	0.81
2000	37 816 292	26 189 917	11 626 375	1.49	1.79	0.80

** Preliminary figures subject to revision.

Source: DNP-UDS-DIOG, taken from:

1951-1985: DANE, Population Census.
1990-2000: DANE, Subnational Population Projections.

9. The table shows a steady increase in population, although with clear differences between areas and age groups. At the beginning of this century, living and health conditions were precarious, even for residents of urban centres, most of which lacked utilities such as drinking water, sewerage and electricity and State-run slaughter houses and marketplaces. These conditions, combined with the low level of education, helped to make for a high rate of mortality, against a background of high fertility rates.

10. Improvements in all aspects of national life brought a reduction in the high mortality rate, and burgeoning urbanization was accompanied by rising birth rates. Between 1940 and 1960, a demographic revolution took place.

11. At the end of the 1950s, rapid population growth and its effects on national development resulted in the introduction of a population control policy which included far-reaching family planning programmes. From then on, the rate of population growth began to decline, falling to 2.17 by 1985 (see table). According to population forecasts, growth will have fallen to 1.49 by the year 2000.

12. The first National Fertility Survey, carried out in 1969, showed rates beginning to decline in the mid-1960s, from an average of seven children per woman in 1960, to 4.5 for the 10-year period from 1965-1975. This trend marked the beginning of the "demographic transition" with rates of 3.0 in 1986 and 2.9 in 1990, according to the latest fertility survey.

13. Although demographic change is a general nationwide phenomenon, reproductive trends vary from one area to another. In the major towns, the

process is more rapid. Fertility rates for the same period are considerably higher in the rural sector (4.88 in 1986 and 3.8 in 1990) than in the urban sector (2.76 in 1986 and 2.5 in 1990).

14. The publicizing and use of contraceptive methods is reducing the number of children per family and changing women's reproductive behaviour. The proportion of very young and middle-aged mothers is declining and there is an increasing trend towards an average child-bearing age of between 20 and 30.

15. The mortality rate fell steadily from 13.5 per 1,000 in 1953 to 5.0 in 1988. It has since stabilized at that level, which may be due to improved registration of deaths, the change in age structure of the population and increased urbanization.

16. The death rate is higher for men. The structure of age-specific death rates has changed in recent years: whereas in 1954 half of all deaths occurred before the age of 5, by 1991 this proportion had fallen to 10.3 per cent; at the same time, the proportion of deaths in the over-60 age group increased from 20 per cent in 1954 to 46.3 per cent in 1991.

17. In 1900, average life-expectancy was 28 years and no less than 250 of every 1,000 live-born children died before their first birthday. During the first three decades of the century, average life expectancy rose to 36 years. Between 1940 and 1960, it rose to 58 years and major advances in the campaign to reduce death rates have today raised the average life expectancy of Colombians to 69 years - 67.1 years for men and 71.0 years for women. Statistics show that, from 1980 to 1993, life expectancy rose by almost 5 years, from 64.7 to 69.0 years.

	Men	Women	Total
1980	62.8	66.7	64.7
1985	65.3	69.3	67.3
1993	67.1	71.0	69.0

18. One of the most significant effects of lower birth rates and higher life expectancy has been a change in the age structure of the population. Whereas 47 per cent of the population were below 15 years of age in 1964, in 1985 this group accounted for only 35 per cent, while the proportion of the population between 15 and 64 years of age has increased from 50 per cent 20 years ago to approximately 60 per cent in 1985. At the same time, the proportion of the population over 65 years of age has increased from 3 per cent to 4 per cent.

19. Projections indicate that, by the year 2000, 30 per cent of the population will be below 15 years of age and 65 per cent between 15 and 64 years of age. The remaining 5 per cent will be persons over the age of 65.

20. The geographical distribution of the population in Colombia has changed significantly. The number and proportion of people living in urban areas is steadily increasing. In 1973, 60 per cent of the population lived in centres with more than 1,500 residents; this proportion is now estimated to have

increased to 75 per cent. While the overall population growth-rate has declined in the country as a whole, the trend has differed from one region to another, with strong growth in the departments of Costa Atlántica, Meta and Valle del Cauca and in the national territories. It has remained static or declined slightly in the Andean region and fallen continuously in the east, south and west of the country, except for Valle del Cauca.

21. During the second half of this century, the geographical distribution of the population has been marked by crisis in the Andean rural areas, migration towards the great plains, and finally by rapid urbanization and concentration in the major cities.

B. Selected socio-economic indicators

22. In Colombia, the economic and social development plans of successive Governments provide the basic framework for sectoral objectives, strategies, programmes and plans and are used as a basis for the subsequent evaluation of performance. In addition to its economic importance, the Plan is of major political significance.

23. During the first half of the 1990s, the main aim of economic policy has been to maintain and raise the sustained growth rates achieved during the 1980s, and to improve the population's living standards.

ECONOMIC GROWTH
GDP (millions of pesos)

Year	GDP	% change	GNP	% change
1980	1 579 130	-	573 409	-
1981	1 982 773	25.6	1 972 254	25.4
1982	2 497 298	25.9	2 459 798	24.7
1983	3 054 137	22.3	2 990 944	21.6
1984	3 856 584	26.3	3 757 490	25.6
1985	4 965 883	28.8	4 824 138	28.3
1986	6 787 956	36.7	6 638 064	37.6
1987	8 824 408	30.0	8 637 767	30.0
1988	11 731 384	32.9	11 434 924	32.3
1989	15 126 718	28.9		
1990	20 228 122	33.7		
1991	26 240 771	29.7	26 086 000	
1992	33 064 150	26.0	33 010 000	26.5
1993	42 489 606	28.5	42 048 000	27.4

Source: 1980 to 1988: Revista Banco de la República, May 1991.
1989 to 1993: DNP-UAM.

GROWTH OF GDP IN 1992 AND 1993

Sector	% 1992	% 1993
Agriculture, forestry, hunting and fishing	- 1.03	2.71
Mining and quarrying	1.00	0.14
Manufacturing	4.85	1.88
Electricity, gas and water	- 6.94	12.60
Construction	11.51	9.30
Commerce, restaurants and hotels	4.03	5.00
Transport, storage and communications	2.81	5.97
Finance	3.85	6.55
Communal, social and personal services	5.12	6.45

Source: DNP-UAM. Based on DANE Cuentas Nacionales, projection to 1993.

INFLATION

Year	Growth	Inflation
1980	4.1	25.9
1981	2.3	26.3
1982	0.9	24.1
1983	1.6	16.6
1984	3.5	18.3
1985	3.1	22.5
1986	5.8	20.9
1987	5.4	24.0
1988	3.7	28.1
1989	3.2	26.1
1990	4.2	32.4
1991	2.1	26.8
1992	3.5	25.1
1993	5.2	22.6

Source: 1980 to 1990: Informe Financiero, Office of the Comptroller General of the Republic.
1991 to 1993: DNP-UAM.

UNEMPLOYMENT

Population	Total
Working-age population	8 792 660
Economically active population	5 309 592
Employed	4 762 852
Unemployed	546 740
Inactive	3 483 068
Unemployment rate	10.3
Total participation rate	60.4

Source: DANE. Boletin de Prensa, March 1994 for seven metropolitan areas.

PUBLIC AND PRIVATE EXTERNAL DEBT

Year	Balance outstanding at end of period			Debt servicing		
	Public debt 1/	Private debt	Total	Public debt	Private debt 2/	Total
1985	10 811	3 415	14 226	1 449	433	1 882
1986	12 691	2 989	15 680	1 843	426	2 269
1987	13 947	3 100	17 047	2 353	316	2 669
1988	14 011	3 348	17 359	2 780	303	3 083
1989	14 071	2 936	17 007	2 903	781	3 684
1990	14 809	2 747	17 556	3 147	595	3 742
1991	14 661	2 314	16 975	3 287	448	3 735
1992	13 831	3 002	16 833	3 451	376	3 827
1993	13 627	3 809	17 436	653	49	702

Source: Banco de la República.

1/ Includes private debt guaranteed by the public sector and short-term debt.

2/ Recorded debt.

Figures for 1993 to 30 June.

EXCHANGE RATE
(US$)

1 990	563 38
1 991	701 09
992	807 55
1 993 (August)	876 48

Source: Banco de la República.

C. General political structure

24. Under the provisions of article 2 of the 1991 Constitution, Colombia is a social constitutional State, organized as a unitary republic, decentralized, with autonomous territorial entities, democratic, participative and pluralist, founded on respect for human dignity, the labour and solidarity of its people and the prevalence of the general interest.

25. The form of government in Colombia is presidential. The Head of State is also the Head of Government, the highest representative of the nation and the Commander-in-Chief of the armed forces and police. The Constitution provides for the separation of powers into three branches, whose constitutional function is to work together harmoniously to achieve the aims of the State.

26. Sovereignty resides exclusively in the people, from whom all authority derives; the people exercise power directly or through their representatives under the conditions provided for in the Constitution.

27. Colombia's Constitution provides for a wide range of individual rights and social guarantees: 85 of the 380 articles are devoted exclusively to listing the rights, guarantees and duties, not to mention the other rights which are not enumerated in the Constitution, as they are inherent in the human person.

28. Under the Constitution, the State is organized into three branches: the Legislature, the Executive and the Judiciary. There are also other autonomous bodies such as the monitoring agencies (Offices of the Government Procurator and the Comptroller General of the Republic), the Electoral Organization and the Bank of the Republic.

29. The role of the Congress of the Republic is to review the Constitution, pass laws and to act as a political check on the Government and the Administration. Congress consists of two chambers: the Senate and the Chamber of Representatives.

30. The Executive consists of the President of the Republic, who is the Head of State, Head of Government and supreme administrative authority, the cabinet ministers and the heads of administrative departments. The President and the

relevant minister or administrative department head constitute the Government in each specific matter. The offices of governors of Departments and mayors of municipalities, together with superintendencies and public institutions and State commercial and industrial enterprises, also form part of the Executive.

31. The judicial branch comprises the Constitutional Court, the Supreme Court of Justice, the Council of State, the Supreme Council of the Judiciary, the Office of the Public Prosecutor, the higher district courts and the judges themselves.

32. The monitoring bodies are the office of the Government Procurator and the Office of the Comptroller General of the Republic. The Government Procurator's Office comprises the Attorney-General, the People's Advocate, the local attorneys, the representatives of the Government Procurator, the municipal representatives and other officials provided for by the law. The Government Procurator is responsible for safeguarding and promoting human rights, protecting the public interest and monitoring the conduct of public officials in the performance of their duties.

33. The Comptroller General of the Republic is responsible for exercising fiscal control and auditing the public accounts.

1. The Legislature

34. The composition and functions of the Legislature are provided for in Title VI of the Political Constitution, articles 132 to 187. The Senate and Chamber of Representatives are elected by direct suffrage for terms of four years.

35. The form of government in Colombia is representative democracy. Elected representatives must act with due regard for justice and the common good and are responsible to society and the electorate for discharging the obligations of their office.

36. The powers of the Chambers are embodied in article 135 of the Constitution and include:

(a) Electing their executive bodies;

(b) Electing a secretary-general;

(c) Deciding on the holding of private meetings;

(d) Filling the offices established by law;

(e) Ensuring the cooperation of the civil service with the Government for the proper discharge of its functions;

(f) Summoning ministers to attend meetings;

(g) Tabling motions censuring ministers in matters relating to their official duties.

37. Under Article 136, Congress is also prohibited from:

(a) Interfering by means of resolutions or legislation in matters under the exclusive jurisdiction of other authorities;

(b) Requiring the Government to provide information on diplomatic matters or confidential negotiations;

(c) Voting in support of official acts, etc.

38. Congress holds two regular sessions a year, which constitute a single legislative session. It may also meet in special session, convened specifically by the Government for the time stipulated by it.

39. Congress meets in joint session to formally invest the President of the Republic, receive Heads of State or Government of other countries, elect the Comptroller General of the Republic and the Vice-President when it is necessary to replace the person elected by popular vote, and to vote on motions of censure against ministers.

40. In the interests of efficiency, each Chamber elects standing legislative committees to give a first reading to the drafts submitted to them. The Congress in plenary, the chambers and their committees cannot deliberate with less than one-quarter of their members in attendance, and decisions require a majority of the votes of those present, except where the Constitution stipulates a special majority.

41. As the legislative power, Congress passes laws and, through them, performs the following functions:

(a) Interprets, reviews and repeals acts;

(b) Issues and reviews codes in all branches;

(c) Approves the national development and public investment plan;

(d) Determines the general division of the territory (creates, modifies, eliminates or amalgamates territorial entities and establishes jurisdiction);

(e) Confers special powers on departmental assemblies;

(f) Changes the places of residence of senior national officials;

(g) Establishes the structure of the national administration;

(h) Authorizes the Government to conclude contracts, negotiate loans and dispose of national assets;

(i) Invests the President of the Republic, for periods of up to six months, with specific special powers to issue orders with the force of law when circumstances or the public interest so require;

(j) Determines national revenues and government expenditures;

(k) Approves or rejects treaties concluded by the Government with other States;

(l) Enacts the economic legislation provided for in the Constitution.

In all, the Congress performs 25 legislative functions, of which 12 are dealt with here, as being the most pertinent (art. 150 of the Constitution).

42. The legislative process in Colombia begins in one of the chambers on the proposal of its members or the Government, or with a popular initiative in the cases provided for in the Constitution. After being submitted to Congress, bills must be officially published before being considered by the relevant Committee. They are then submitted for first reading to the relevant Committee of each chamber and then to the plenary of each chamber for second reading, before finally receiving Government approval. The Constitution also sets short time-limits for the passage of legislation (arts. 157 and 160 of the Constitution). Under the Constitution (art. 164), Congress must accord priority to the consideration of bills for the adoption of treaties on human rights submitted to it by the Government.

2. The Executive

43. As the head of the executive branch of Government, the President of the Republic is the sole representative of the whole nation, the symbol of national unity, the Head of State, the Head of Government and the supreme administrative authority. He appoints cabinet ministers and the heads of government departments, has responsibility for international relations and for maintaining public order and is supreme commander of the armed forces. His functions are stipulated in article 189 of the Constitution.

44. The President of the Republic is elected by direct suffrage for a four-year term. Election is by an absolute majority of the votes cast by secret ballot on the day of the election. If no candidate obtains an absolute majority on the first ballot, a run-off election is held three weeks later between the two candidates receiving most votes in the first round. The candidate receiving most votes in the second ballot is declared President.

45. The President and Vice-President of the Republic must be Colombian by birth, citizens in good standing and not less than 30 years of age.

46. The President is invested by Congress and must take an oath. The Constitution sets out the procedure for replacing the President and Vice-President in the event of permanent or temporary incapacity.

47. The Vice-President is also elected by popular suffrage on the same day and by the same procedure as for the President. In the event of a second ballot, the procedure must be the same as for the first ballot. The term of office coincides with that of the President, whom he replaces in the event of permanent or temporary incapacity. He may be assigned special duties or responsibilities anywhere in the executive or administrative branches.

48. The number, titles and order of precedence of ministers and administrative departments is established by law. Ministers and directors of administrative departments are responsible for the administration of their respective services, and must formulate policies concerning procedure, oversee administrative activities and execute the law under the direction of the President of the Republic. With regard to Congress, they act as spokesmen of the Government, submit draft legislation, attend when summoned by Congress and take part in debates in person or through deputy ministers.

49. Under articles 209 and 210 of the Constitution, the public authorities at all levels must serve the general interest, in accordance with the principles of equality, morality, efficiency, economy, expeditiousness, impartiality and openness, and following the procedures for decentralization, delegation and allocation of administrative functions.

50. In any event, the administrative authorities have internal controls which operate as laid down by the law.

51. The security forces consist exclusively of the armed forces and the National Police. When circumstances demand, all Colombians are obligated to take up arms to defend democracy, the institutions and national independence.

52. The Colombian armed forces comprise the Army, the Navy and the Air Force. The armed forces defend national sovereignty, independence, territorial integrity and the constitutional order.

53. The National Police is a standing non-military armed force responsible for maintaining the conditions necessary for the exercise of civil rights and freedoms and ensuring the peaceful coexistence of the population.

54. The Constitution prohibits members of the security forces from exercising their right to vote while they are on active duty or from becoming involved in political debates or activities (arts. 216 *et seq.*).

3. The Judiciary

55. Title VIII of the Constitution governs the judicial branch of Government. The administration of justice is performed by the ordinary courts, the administrative courts and the Constitutional Court.

56. The administration of justice is a public function. All decisions are independent and its operation is decentralized and autonomous. In their decisions, judges are subject only to the rule of law.

57. The Supreme Court of Justice is the highest ordinary court and is split into civil, labour and criminal divisions, each of which is assigned the cases it has to hear.

58. The Council of State is the highest administrative court. It is divided into the plenary administrative division and the review and civil service division. The plenary administrative division comprises six sections, namely, constitutional, labour, public liability, taxation, electoral and agrarian.

59. The Constitutional Court is responsible for safeguarding the integrity of the Constitution. It comprises the uneven number of judges established by law, who are elected by the Senate from short lists of candidates submitted by the President of the Republic, the Supreme Court and the Council of State. Its functions include ruling on the constitutionality of laws, constitutional reforms, referendums, international treaties, etc.; it is also the final review court for judicial decisions relating to the safeguarding of fundamental rights.

60. The indigenous peoples' authorities can exercise judicial functions within their area of jurisdiction, in accordance with their own rules and procedures, provided that they are not contrary to the Constitution or laws of the Republic.

61. The Office of the Public Prosecutor comprises the Public Prosecutor, local prosecutors and other officials established by law. The Public Prosecutor is elected for a four-year term by the Supreme Court from a list of candidates submitted by the President of the Republic. The Public Prosecutor's Office is part of the judicial branch and its function is to conduct investigations, examine and prosecute suspected offenders before the competent courts. It is required to take account of factors both favourable and unfavourable to the accused and respect his fundamental rights and procedural guarantees.

62. The Supreme Council of the Judiciary is divided into two chambers - administrative and disciplinary. It also forms part of the judicial branch. Its main functions include:

(a) Administering careers in the judiciary;

(b) Drawing up lists of candidates for appointment as officials;

(c) Investigating the conduct and sanctioning lapses on the part of judicial officials and attorneys;

(d) Monitoring the efficiency of judicial bodies and procedures;

(e) Settling disputes regarding court jurisdiction (art. 256 of the Constitution).

D. General legal framework for the protection of human rights

1. The Constitution

63. Title II of the Constitution comprises 5 chapters and 85 articles on the protection, promotion and defence of human rights, as follows:

(a) Chapter 1. Concerning fundamental rights (arts. 11 to 41);

(b) Chapter 2. Concerning social, economic and cultural rights (arts. 42 to 77);

(c) Chapter 3. Concerning collective rights and the environment (arts. 78 to 82);

(d) Chapter 4. Concerning the protection and application of rights (arts. 83 to 94);

(e) Chapter 5. Concerning duties and obligations (art. 95).

64. **Chapter 1. Concerning fundamental rights.** The right to life is guaranteed; there is no death penalty; no one may be subjected to torture, or cruel, inhuman or degrading treatment or punishment; all citizens receive equal treatment from the authorities, enjoy the right to have their legal identity recognized, the right to privacy, to update and rectify information in data banks and to the inviolability of private correspondence. Traffic in human beings is prohibited; there is freedom of religion, expression, dignity and movement. Work enjoys the special protection of the State and freedom of teaching is guaranteed at all levels including the apprenticeship and professorship levels. There are legal procedures to guarantee due process. There is no imprisonment for debt or sentences not prescribed, and the accused receives favourable treatment and is presumed innocent in criminal matters. Defence rights, assistance of counsel and habeas corpus are guaranteed; in principle any judicial sentence may be appealed or adjudicated, and when the accused is the sole appellant, the higher court may not impose a heavier penalty (Reformatio in pejus). No one may be forced to testify against himself or against his relatives. Native-born Colombians may not be extradited, and the right of asylum is recognized. The people may demonstrate publicly and peacefully; freedom of association is established for conducting lawful activities, as is the right to form trade unions and to participate in politics; all citizens who fulfil the conditions laid down by law may vote and be elected.

65. **Chapter 2. Concerning social, economic and cultural rights.** The family is recognized as the basic nucleus of society and the State guarantees its protection. Women and men have equal rights and opportunities. The rights of children - life, health, education, etc. - adolescents and senior citizens are recognized. The State promotes a policy of planning, rehabilitation and social integration for the physically or psychologically disabled; social security is a mandatory public service; public health and environmental protection are public services for which the State is responsible. Every child under one year of age is entitled to free care in all health institutions that receive State subsidies. The right to recreation and sport is recognized. The right to work, to strike and to bargain collectively is guaranteed. Private property and other lawfully-acquired rights, intellectual property and the country's archaeological heritage are guaranteed. Agriculture enjoys special protection by the State. The State, society and the family are responsible for education, which is mandatory between the ages of five and 15 years and which includes a minimum of one year of pre-school instruction and nine years of basic instruction; education is free of charge in State institutions, without prejudice to those who can afford to defray the costs. Freedom to practise any profession exists. Professional secrets are inviolable. Equal opportunity is provided for access to the electromagnetic spectrum, which is an inalienable and imprescriptible public resource.

66. **Chapter 3. Concerning collective rights and the environment.** The law regulates the control of the quality of goods and services provided to the community. Every individual has the right to enjoy a healthy environment. The State plans the handling and use of natural resources. The State will cooperate with other nations in the protection of the ecosystems. The manufacture, importation, possession and use of chemical, biological or nuclear weapons are prohibited. The State regulates the entry into the country and exit from it of genetic resources and their use.

67. **Chapter 4. Concerning the protection and application of rights:**

(a) Legal protection. The Constitution provides for legal protection proceedings,

"wherein an individual may claim before the judges, at any time or place, through a preferential and summary proceeding, for himself/herself or by whoever acts in his/her name, the immediate protection of his/her fundamental constitutional rights when the individual fears the latter may be jeopardized or threatened by the action or omission of any public authority". The protection will consist of an order so that whoever solicits such protection may receive it by a judge enjoining others to act or refrain from acting. The order, which will have to be implemented immediately, may be challenged before the competent judge, and in any case the latter may send it to the Constitutional Court for possible review. This action will be followed only when the affected party does not dispose of other means of judicial defence. In no case can more than 10 days elapse between the request for protection and its resolution;

(b) Responsibility of the State. The Colombian State will answer materially for the extralegal damages for which it is responsible, caused by deeds of commission or omission of the public authorities, without prejudice to proceedings being brought against the negligent agent;

(c) Precedence of international human rights treaties. International treaties and conventions, ratified by the Congress, which recognize human rights and prohibit limitation thereof during states of emergency, take precedence over internal legislation; human rights are interpreted in accordance with the international treaties.

68. **Chapter 5. Concerning duties and obligations**. The exercise of the rights recognized in this Constitution implies responsibilities, as follows:

(a) To respect others' rights and not abuse one's own;

(b) To act in accordance with the principle of social solidarity;

(c) To respect and support the legitimately constituted democratic authorities;

(d) To defend and publicize human rights as a basis of peaceful coexistence;

(e) To participate in the country's political, civic and community life;

(f) To strive towards the achievement and maintenance of peace;

(g) To cooperate for the operation of the administration of justice;

(h) To protect the country's cultural and environmental resources;

(i) To contribute to the financing of state expenditures and investments on the basis of principles of justice and equity.

2. Judicial, administrative or other authorities competent in human rights matters

69. The Office of the Attorney-General and, on its behalf, the Government Procurator is competent to monitor human rights matters. In accordance with articles 275 *et seq.* of the Constitution, the Attorney-General of the Republic by himself/herself or through his/her delegates and agents, has the following functions:

(a) To oversee the execution of the Constitution, the laws, judicial decisions and administrative decrees;

(b) To protect human rights and ensure their effectiveness, with the assistance of the People's Advocate;

(c) To defend the interests of society;

(d) To defend collective interests;

(e) To oversee the diligent and efficient exercise of administrative functions;

(f) To oversee at the highest level the official conduct of those who hold public office, including those popularly elected;

(g) To intervene in proceedings and before the judicial or administrative authorities when it becomes necessary to defend the legal order, the public domain, or fundamental rights and guarantees;

(h) Other matters stipulated by law.

70. The Office of the Government Procurator comprises the Attorney-General of the Republic who is its supreme director according to the Political Constitution of 1991 - the People's Advocate and Municipal Representatives. The Constitution establishes the Office of the Government Procurator as the monitoring body of the State, fully independent of the three traditional branches of government (legislative, executive and judicial).

71. In exercise of the constitutional functions of the Attorney-General of the Republic, his Office has been organized in accordance with the provisions of Law No. 4 of 1990 and consists of divisions responsible for specific areas, such as:

Human Rights Division;

National Police Division;

Armed Forces Division;

Judicial Monitoring Division;

Judicial Police Division;

Division for the Office of the Government Procurator;

Municipal Representatives Division;

Division for Minors and the Family;

Special Investigations Office.

72. The Attorney-General's Office is also organized on a territorial basis, and has offices in each of the Departments - political-territorial divisions - and the provinces - subdivisions within Departments - to cover the entire territory and make the services of the Attorney-General's Office available to the public.

73. It should also be mentioned that the Attorney-General's Office has established human rights offices (open 24 hours a day, seven days a week and 52 weeks a year, in the towns of Santa Fé de Bogotá, Medellín, Cali and Cúcuta) in cooperation with municipal administrations and representatives, the Office of the People's Advocate and the Presidential Council on Human Rights.

74. As regards the protection of human rights, the Attorney-General's Office participates in judicial proceedings in order to guarantee due process, the fundamental rights of those being tried, as well as those of the victims and society. It monitors the conduct of public servants and the performance of their duties and punishes them if disciplinary action is needed. It investigates charges by citizens and may discipline public servants. It may, by virtue of its judicial police functions, transmit any evidence it collects to the public prosecutors and judges responsible for the criminal proceedings in question. In this respect, the Attorney-General's Office guarantees and ensures that investigations into charges of human rights violations are independent of any influence by the Government and the public servants themselves.

75. The People's Advocate is part of the Government Procurator's Office and performs his functions under the direction of the Attorney-General of the Republic. These functions are as follows:

(a) Providing guidance to and informing the inhabitants of the national territory and Colombians abroad concerning the exercise and defence of their rights before competent authorities or private bodies;

(b) Publicizing human rights and recommending policies for making them known;

(c) Invoking the right of habeas corpus and engaging in protective action, without prejudice to the right of interested parties;

(d) Organizing and directing the Office of the People's Advocate in accordance with the law;

(e) Mediating popular measures in matters falling under his jurisdiction;

(f) Other matters stipulated by law.

76. The People's Advocate is part of the Government Procurator's office and therefore performs his constitutional and legal functions under the direction of the Attorney-General of the Republic, although he enjoys complete administrative and budgetary autonomy. The Office of the People's Advocate, whose functions, organization and administration are governed by Law No. 24 of 1992, has divided up its work by subject and region.

77. There are several branches of the Office of the People's Advocate, as follows:

National Office of the People's Advocate;

National Office for Judicial Review and Appeal;

National Office for Examination and Processing of Complaints;

National Office for the Promotion and Dissemination of Human Rights;

Division for the rights of children, women and senior citizens;

Division for Health and Social Security;

Division for the environment and the rights of consumers and users of public services;

Division for Criminal Policy;

Division for indigenous people and ethnic minorities;

Division for constitutional matters.

78. Like the Attorney-General's Office, the Office of the People's Advocate has established regional and sectional offices throughout the territory to provide services for everyone.

79. The Office of the People's Advocate promotes and publicizes human rights through courses, seminars and publications of books and journals; it examines complaints by citizens concerning human rights violations, requests information thereon from State and government bodies, evaluates the replies and informs the Congress of the Republic of its conclusions; it assesses and monitors State human rights activities relating to matters that are the responsibility of its National Offices and divisions.

80. The Municipal Representatives act as people's advocates, protectors of human rights and civil monitors in the country's 1,040 municipalities. The Code on the Political and Municipal Regime was reformed by Law No. 136 of 1994 that granted administrative and budgetary autonomy to Municipal Representatives and reorganized their functions. As a result of the establishment this year of the Office of the Municipal Representatives Division, the Office of the Government Procurator will draw up programmes to support and assist the Representatives and to coordinate their activities.

3. Remedies available to a person who believes his rights have been violated and systems of compensation

81. The various types of remedies available to individuals in Colombia can be classified according to their purpose:

(a) The following constitutional remedies are available for the protection of human rights: legal protection; the remedy of habeas corpus for the protection of the fundamental right to personal liberty; the right to submit petitions or requests directly to State and government authorities, who must reply within a certain time, including requests to provide information, to produce unclassified official documents and to open official files; the presumption of good faith on the part of individuals in their dealings with the authorities; compliance with the law, and the remedy of habeas data for the protection of the right to privacy and of personal data contained in public and private archives;

(b) Criminal charges can be brought with a view to punishing public servants and individuals who commit human rights offences. In such cases the Office of the Public Prosecutor acts as an investigatory body and brings charges before the judges of the Republic. However, offences committed by members of the armed forces and National Police are investigated and tried by the military courts which are subordinate to the Executive;

(c) In order to obtain derogations from legal or administrative regulations that might be at variance with the Constitution, and therefore with the Bill of Rights contained in it, action in respect of constitutionality may be brought by any citizen before the Constitutional Court. Action for the annulment of administrative acts may also be brought before the administrative courts and the Council of State;

(d) To ensure that the Congress of the Republic adopts suitable laws for the promotion and protection of human rights, referendums on legislation may be held and public hearings requested by the Human Rights Commissions and the Congress of the Republic;

(f) In order to have disciplinary measures, such as fines, suspensions or dismissal, adopted against public servants who violate human rights, citizens may petition the in-house monitoring unit of the body concerned, on the basis of the regulations limiting and governing the exercise of public office, which define the functions and competence of public servants, and in accordance with relevant disciplinary regulations. In order to ensure that the public has effective access to all government bodies, the latter must be provided with complaints and claims offices.

82. If the in-house monitoring units are not functioning, individuals may petition the Government Procurator's Office, which acts as an external disciplinary monitoring mechanism through Municipal Representatives, people's advocates and local attorneys.

83. With respect to State liability as defined in article 90 of the Constitution, the State will answer materially for the extralegal damages for which it is responsible, caused by deeds of commission or omission of the public authorities. The Administrative Litigation Code provides for related responsibility in the sense that damages may be requested from the agency, the agent or both. If the application is successful against both and it is considered that the agent is wholly or partly answerable, the judgement will stipulate that the agent must pay the damages. In such cases the agency is empowered to bring action against the agent.

84. Article 87 provides for "effective application proceedings", i.e. the possibility of appearing before the legal authority to make effective the application of a law or administrative act. In case of a successful action, the sentence will order the delinquent authority to perform its mandated duty.

85. The Government for its part, has, since 1987, been implementing its own human rights programme, through the establishment of the Human Rights Council. The Council has provided support and international cooperation on the basis of agreements with the United Nations Centre for Human Rights, (Geneva), the United Nations Development Programme and the Governments of other countries.

86. This programme has focused on the defence, promotion and protection of human rights by receiving and processing complaints submitted by individuals to the Office of the President of the Republic; on human rights publicization and education programmes for teachers, State officials (police, military personnel, judges, attorneys, labour inspectors, municipal representatives) and society in general; on cooperation and coordination with various non-governmental organizations in different fields; on care for victims of violence in cooperation with humanitarian NGOs such as the Colombian Red Cross; on the publication of a series of books, journals, periodicals, videos and posters; and on advisory assistance to the Government in various human-rights-related fields, international human rights law and international humanitarian law.

87. In addition, the Government strengthened its activities by establishing human rights offices or units within the Ministry of National Defence in 1994, the Armed Forces High Command in 1992 and the Administrative Security Department in 1993, and in several prisons throughout the country.

Recent legislative measures

88. Law No. 62, restructuring the National Police, was promulgated in 1993. The Law focuses the work of the police on the protection of the people's human rights, and states that the training of police officers, NCOs and policemen must include instruction in human rights. It introduces strict personnel selection procedures, establishes the post of National Police Commissioner - a non-military official - who is responsible for the operation of an extensive system of internal disciplinary control, and introduces a national system for participation by the public in police matters.

89. Law No. 104 of 1993, which sets up machinery to ensure harmonious relations in society and the effectiveness of the system of justice, states that "the authorities shall guarantee the free development and free expression and action of social movements and protests by the people, when conducted in accordance with the Constitution and the law". It institutes a programme of care and humanitarian assistance for the victims of political violence and terrorism, and directs the Office of the Public Prosecutor of the Republic to adopt and implement a programme for the protection of witnesses in cases of human rights violations, in addition to the protection programmes already in force.

90. Law No. 30, the General Education Law, which was promulgated in 1993, states that one of the main goals of education is "training in respect for life and the other human rights".

91. A law was drawn up to provide regulations under article 41 of the Constitution (adopted as Law No. 107 of 7 January 1994), according to which any student having completed 50 hours of constitutional studies may obtain a bachelor's degree. The Law also directs the People's Advocate to provide regular human rights training for the Municipal Representatives.

92. Ministry of Defence Directive No. 0017 was issued on 17 August 1993, concerning the mandatory application by members of the forces of law and order of the rules of international humanitarian law contained in common article 3 of the Geneva Conventions of 1949.

93. Directives Nos. 100-5 and 100-6 were issued on 8 September 1993 by the Armed Forces Command. Directive No. 100-5 refers to "strict compliance with the rules of international humanitarian law" and Directive No. 100-6 contains a series of "orders for strengthening human rights information and education programmes for members of the armed forces".

94. In June 1994 the National Congress adopted a Law stating that the enforced disappearance of persons constituted a criminal act and laying down special penalties for it.

95. In May 1994 the Government submitted to the Congress of the Republic a draft law for the approval of Protocol II, Additional to the Geneva Conventions of 1949 applicable to non-international armed conflicts.

96. In June 1994 the President of the Republic established the Inter-Agency Commission for the preparation of a draft law reforming the Code of Military Justice. The Commission comprises experts from the Office of the Attorney-General of the Republic and the Ministry of Defence.

97. In 1992 Human Rights Committees were created in the Senate and the Chamber of Deputies, and hold public hearings on situations of violence in regions of particular unrest.

E. Incorporation of the Covenant into national legislation and publicization of the rights it safeguards

98. The International Covenant on Economic, Social and Cultural Rights, to which Colombia is a party, was incorporated into national legislation by Law No. 74 of 1968. Title II of the Constitution, as indicated above, protects the rights and guarantees embodied in the Covenant. Chapter 2 details each of the social, economic and cultural rights enjoyed by Colombians.

99. As mentioned earlier, the Office of the People's Advocate and the Presidential Council for the Defence, Promotion and Protection of Human Rights are responsible for informing the public of these rights. Moreover, each of the agencies comprising the social security network also has available numerous human rights education and promotion programmes at the community level.

F. General provisions of the Covenant

1. Article 1

100. Article 1 of the Colombian Constitution states that:

> "Colombia is a lawful societal State organized in the form of a unitary Republic, decentralized, with the autonomy of its territorial units, democratic, participatory, and pluralistic, based on respect of the human dignity, on the work and solidarity of the individuals who belong to it, and the prevalence of the general interest."

101. The territorial sovereignty of the Nation is described in articles 101 and 102 of the Constitution, which state that the borders of Colombia are those established in international treaties approved by the Congress, duly ratified by the President of the Republic, and those defined by arbitration awards in which Colombia takes part. Also part of Colombia is the subsoil, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the airspace, the segment of the geostationary orbit, the electromagnetic spectrum and the space where it applies, in accordance with international law or the laws of Colombia in the absence of international regulations. The territory, together with the public resources that are part of it, belong to the Nation.

102. Recognition of the right of peoples to self-determination is stated explicitly in article 9 of the Constitution: "The external relations of the State are based on national sovereignty, on respect for the self-determination of peoples, and on the recognition of the principles of international law approved by Colombia."

103. The Political Constitution prohibits the extradition of native-born Colombians as well as the extradition of aliens for political crimes or for their opinions.

104. Colombians who have committed crimes abroad, considered as such under national legislation, will be tried and sentenced in Colombia.

105. Natural resources are protected by several Constitutional provisions, including the following articles:

> "332. The State is the owner of the subsoil and of the natural, nonrenewable resources without prejudice to the rights acquired and fulfilled in accordance with prior laws.";
>
> "360. The law will determine the conditions for the exploitation of nonrenewable natural resources as well as the rights of the territorial entities over same.
>
> The exploitation of a nonrenewable natural resource will produce in favour of the State an economic offset by way of privileges without prejudice to any other right or compensation that may be contracted."

106. Article 81 of the Constitution stipulates that the State will regulate the entry into the country and the exit from it of genetic resources and their use, in accordance with the national interest.

107. The Political Constitution explicitly prohibits the manufacture, importation, possession, and use of chemical, biological, or nuclear weapons are prohibited as is the introduction into the national territory of nuclear and toxic wastes.

2. Article 2

Guarantees for non-nationals

108. Article 4 of the Constitution states, "It is the duty of citizens and of aliens in Colombia to obey the Constitution and the laws, and to respect and obey the authorities. As stated earlier, article 35 prohibits the extradition of aliens for political crimes or for their opinions. Article 97 states that "aliens domiciled in Colombia cannot be obligated to take up arms against their country of origin". Finally, article 100 provides broad guarantees for the rights of non-nationals, as follows:

> "Aliens in Colombia will enjoy the same civil rights as Colombian citizens. Nevertheless, for reasons of public order, the law may impose special conditions on or nullify the exercise of specific civil rights by aliens.
>
> Similarly, aliens will enjoy, in the territory of the Republic, guaranties granted to citizens, except for the limitations established by the Constitution or the law.
>
> Political rights are reserved to citizens, but the law may grant to aliens resident in Colombia the right to vote in elections and in popular consultations at the municipal or district level."

109. The ethnic and cultural composition of Colombian society is varied and pluralistic; it includes the descendants of the indigenous ethnic groups that constituted pre-Colombian cultures, the descendants of Africans and those of European ethnic groups, predominantly Spanish.

110. Two major ethnic groups in Colombia, namely, the indigenous and black peoples, have traditionally been discriminated against in some way.

111. The Afro-Colombian population comprises approximately 6.5 million black people, including people of mixed black and white parentage, who are called Mulattos. The Afro-Colombian population is distributed throughout the Pacific and Atlantic coastal regions, the mining areas of the Caldas, Antioquia and Santander Departments, the Cauca and Magdelena river valleys, the agro-industrial belts and the outskirts of the towns of Cali and Medellín. Most of the black communities in Colombia are located on the Pacific coast, grouped into 32 municipalities in the Chocó, Valle de Cauca, Cauca and Mariño Departments. The major urban concentrations of the black community are in Buenaventura, Quibdó, Tumaco, Guapi, Puetro Tejada, Santander de Quilichao, Puerto Berrio, Puerto Boyacá, Dorada, Turbo, Cartagena, Barranquilla, Santa Marta, Cali and Riohacha. Ninety per cent of the Afro-Colombians are found in the Pacific and Atlantic coastal regions. They live along the seacoasts and rivers. The black communities on the Pacific coast comprise a 5 per cent component of indigenous peoples, with whom they live in mountainous areas and along river banks, and a 5 per cent whites component.

112. On the Pacific coast there are two types of economy, namely, the formal comprising agro-industrial, fishing and construction activities, and the traditional. The traditional or subsistence economy is practised by the black communities. Peasants in this zone are farmers, fishermen, mineworkers, craftsmen, woodcutters, oarsmen, sailors, hunters and day workers. They may practise one or the other activity according to their needs. The rudimentary techniques they use oblige them to migrate from zone to zone in the region, sowing and rotation periods. The women do domestic work and participate together with the men in agriculture, mining, handicraft and fishing activities, selling the products retail house to house. This is a natural economy where community-based values such as respect of and harmony with

nature and the concepts of solidarity and the importance of interpersonal relations predominate. Production is for the family, with a low percentage being marketed.

113. All the inhabitants of the rural areas own small plots on the riverbanks and engage in subsistence farming, planting crops such as chontaduro, plantain, coconut, cassava, caimito, papachina, borojó, cacao, rice and bananas.

114. In accordance with the provisions of provisional article 55 of the new Constitution, the Government conducted consultations both within and outside the national and regional advisory commissions and submitted to the Congress of the Republic a draft law, which has now become Law No. 70 of 1993, providing the most advanced legal framework for improving the conditions of the black communities.

115. Among the most significant aspects of this legislation, mention should be made of the following:

(a) Political rights. As a result of the creation of a special voting district, black communities will have a minimum of two seats in the Chamber of Deputies, providing them with a permanent voice in the Congress of the Republic;

(b) Territorial rights. The Law recognizes the right to collective property of those communities that have come to occupy uncultivated lands in the rural zones adjoining the rivers of the Pacific Basin, in accordance with their traditional cultivation practices. In so doing it protects the area's environmental resources for the communities established there, which represents a major commitment to the sustainable management of the biogeographical environment of the Chocó;

(c) Mining rights. The black communities in the Pacific area have been granted priority rights over the mines in the area;

(d) Ethnically-oriented education. Law No. 70 of 1993 establishes several mechanisms for guaranteeing the right to an educational process adapted to their cultural needs and aspirations;

(e) Economic development. To promote economic development, provision has been made for participation by the black communities at decisive points in the process of defining social policies, such as in the Territorial Planning Councils and on the Boards of Directors of the Regional Autonomous Corporations. In addition, the black communities involved are associated closely with the design and implementation of projects in the framework of international technical cooperation. The series of rights set forth in Law No. 70 of 1993 are therefore an important means for supporting the advancement of the black communities in Colombia.

116. Colombia has no less than 80 recognized indigenous groups at the present time, and over 1 million people distributed throughout the national territory. These communities have achieved significant political representation and

popular participation as a result of the 1991 Constitution and the broad indigenous organization and mobilization process that began slightly over 25 years ago.

117. The 1991 Political Constitution represents significant progress in that it recognizes the right of all cultures in the country to respect from the legal, social and political points of view. Articles 7, 8, 10 and 70 of the Constitution provide the basis for recognition of the indigenous communities and other ethnic groups.

118. Article 7 states that "The State recognizes and protects the ethnic and cultural diversity of the Colombian nation", while article 8 stipulates "It is the obligation of the State and of individuals to protect the cultural and natural assets of the nation".

119. Article 70 states that: "The State has the obligation to promote and foster access to culture by all Colombians equally by means of permanent educational and scientific, technical, artistic and vocational instruction at all stages of the process of creating the national identity. Culture in its diverse manifestations is the basis of nationality. The State recognizes the equality and dignity of all those who live together in the country. The State will promote research, science, development and the diffusion of the nation's cultural values." The foregoing is aimed at preserving the customs and traditions of ethnic groups, namely, dances, songs, clothing, myths, legends and even languages.

120. Article 10 also reflects this approach, since while stating that Spanish is the official language of Colombia, it adds that "The languages and dialects of ethnic groups are also official in their territories. The education provided in communities with their own linguistic traditions will be bilingual."

121. Articles 246 and 230 of the Constitution recognize the political and legal autonomy of the indigenous communities, which may be exercised in accordance with their customs provided they are not contrary to the Constitution or the laws.

122. In the opinion of the Constitutional Court, autonomy is one of the most significant aspects of the relationship between the indigenous groups and the State: "Unlike the treatment given to other territorial entities, the members of indigenous communities are guaranteed not only administrative, budgetary and financial autonomy within their territories, as with Departments, districts and municipalities, but also the exercise, to the extent permitted by law, of political and legal autonomy, with means that they may elect their own authorities and that such authorities can exercise judicial functions within their territory. This is no less tantamount to the recognition and partial achievement of the principle of participatory and pluralistic democracy and respect for the ethnical and cultural diversity of the Colombian Nation."

Measures for eliminating discrimination against women

123. By Law No. 051 of 1981, the Government of Colombia ratified the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly by resolution 34/180 of 18 December 1979. In accordance with the Convention, the Government of Colombia has adopted a series of legislative measures, which include the following:

(a) Political Constitution:

(i) Article 13 establishes the equality of all individuals before the law and equality of treatment and protection without any discrimination on account of gender;

(ii) Article 40 proclaims the right of any citizen to participate in the establishment, exercise and control of political power, and states that "The authorities will guarantee the adequate and effective participation of women in the decision-making ranks of the public administration.";

(iii) Article 42 states that the family is the basic nucleus of society, that family relations shall be based on equal rights and duties for the couple and on mutual respect among the members and that any form of violence in the family is considered destructive of its harmony and unity and will be sanctioned according to law;

(iv) Article 43 states that women and men have equal rights and opportunities, and stipulates, "Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women will benefit from the special assistance and protection of the State and will receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned. The State will provide special support for the female head of household.";

(v) Article 53 states that the Labour Statute will take into account, among its minimal fundamental principles, special protection of women and mothers.

(b) Legislative measures:

(i) Law No. 11 of 1988 established a special social security system for domestic workers who earn less than the minimum legal wage;

(ii) Decree No. 2737 of 1989, known as the Minors Code, proclaimed the fundamental rights of minors and laid down guidelines for their protection. It also specified protection for pregnant mothers and established the Family Boards and the Division of the Attorney-General's Office for the protection of minors and the family;

(iii) Decree No. 1398 of 1990 laid down regulations under Law No. 51 of 1981, ratifying the Convention on the Elimination of All Forms of Discrimination against Women. The Decree established the Committee for the Coordination and Supervision of the Implementation of the Convention, which comprises representatives of the Ministries of Labour, Health, Education, the National Department of Planning and the Colombian Family Welfare Institute and two representatives of organizations most representative of women's interests;

(iv) Law No. 50 of 1990 reformed the country's labour legislation and broadened maternity benefits by extending paid maternity leave from 8 to 12 weeks. Article 35 prohibits the dismissal of women during pregnancy or nursing;

(v) Ministry of Health Decision No. 1531 of 1992 enunciated the rights of women in the health sphere: the right to their fulfilment as mothers, the right to take decisions on matters affecting their health, the right to personalized medical care, the right to comprehensive health care programmes, the right to information and guidance for living a free and responsible sex life, the right to working environments that are not harmful to their fertility, etc.

II. SOCIAL POLICY IN COLOMBIA BETWEEN 1990 AND 1994: TRENDS IN SOCIAL EXPENDITURE

124. The purpose of this chapter is to carry out an evaluation of social policy between 1990 and 1994, and to highlight the most important indicators of social expenditure as a whole and by sector, as well as the various reforms made at the institutional level.

125. The reference period coincides with the tenure of President Cesar Gaviria's Government, which has laid the foundations of a new social policy, in accordance with the 1991 Constitution, economic liberalization and the demand of the regions for greater autonomy. To this end, not only were budgetary appropriations and public social spending increased, but institutions in the social sector were radically reformed, new sources of financing were established and an atmosphere was created in which citizens could more easily have a say in social policy, as central protagonists.

126. Social policy was conceived as a long-range strategy to deal with the problem of poverty and accelerate economic growth. Breaking away from the traditional view of social development as a form of compensatory expenditure

devoted to specific activities and carried out on an ad hock basis, the new social policy was directed towards structural improvements, in the context of a State better prepared to strengthen the capacities of the population with a view to taking advantage of the greater opportunities offered by a higher rate of economic growth.

127. During this period the State concentrated on its most essential social obligations, namely, basic health care, infant nutrition, and radical changes in the structure of the social security system, which will make it possible to achieve 100 per cent coverage of health needs by the year 2000, as well as greater pensions coverage, basic education up to the ninth grade and low-cost subsidized housing, and extension of drinking water supply and sewerage systems; all this in the context of efforts to concentrate expenditure, by various means, on the poorest people, as beneficiaries of Government spending.

128. The modernization of the State has gone hand in hand with innovations needed to improve the efficiency and quality of social expenditure, i.e. decentralization, the introduction of incentives to encourage competition, facilities for individual freedom of choice, and the rechannelling of subsidies to lower income groups.

129. Between 1990 and 1994, social policy was directed towards the achievement of the goals set for social development, by means of structural reforms, modernization of the relevant institutions and higher levels of spending in the social sector. One of the main limitations was encountered at the institutional level, as evidenced by the inability of the social sector to absorb a 22.4 per cent increase in appropriations in 1992.

130. The Government made substantial efforts to deal with these institutional weaknesses, with the aim of paving the way for a significant increase in future coverage, improving the quality of services and ensuring that attention was paid to the poorest population groups. The foundations for the modernization of the social sector have now been laid.

131. Another fundamental step has been to try to increase social expenditure and reverse the downward - and particularly its fluctuations - trend recorded in the second half of the 1980s.

A. Trends in social expenditure as a whole and by sector during the period 1990-1994 1/

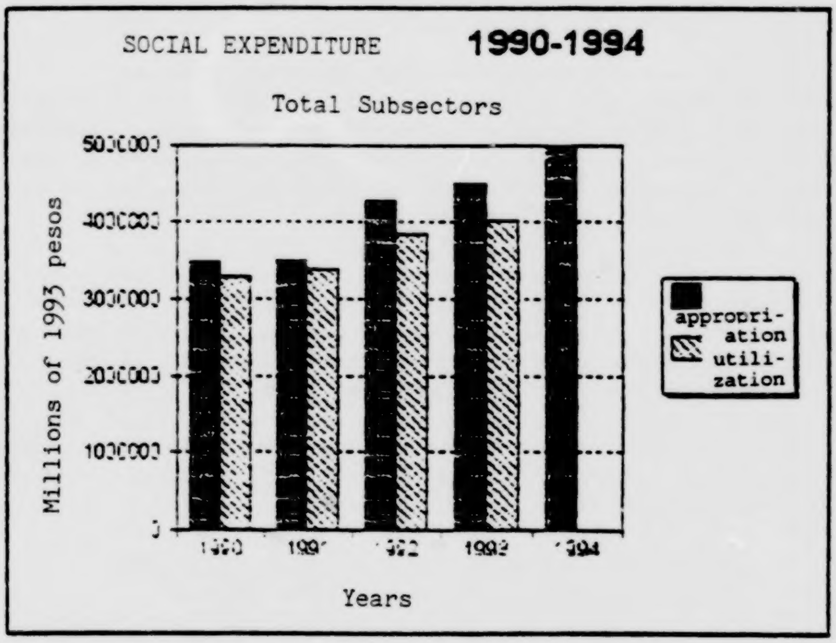
1. Trends in total social expenditure

132. The National Planning Department's definition of social expenditure includes operational costs and investment in education, culture/sports and recreation, health and nutrition, social security, water and basic sanitation, housing and other programmes which have occupied an important place in the Government's social policy. Public social spending includes both contributions from the national budget and public corporations' own resources, together with the VAT transfers used to finance a considerable proportion of social investment at the local and regional level.

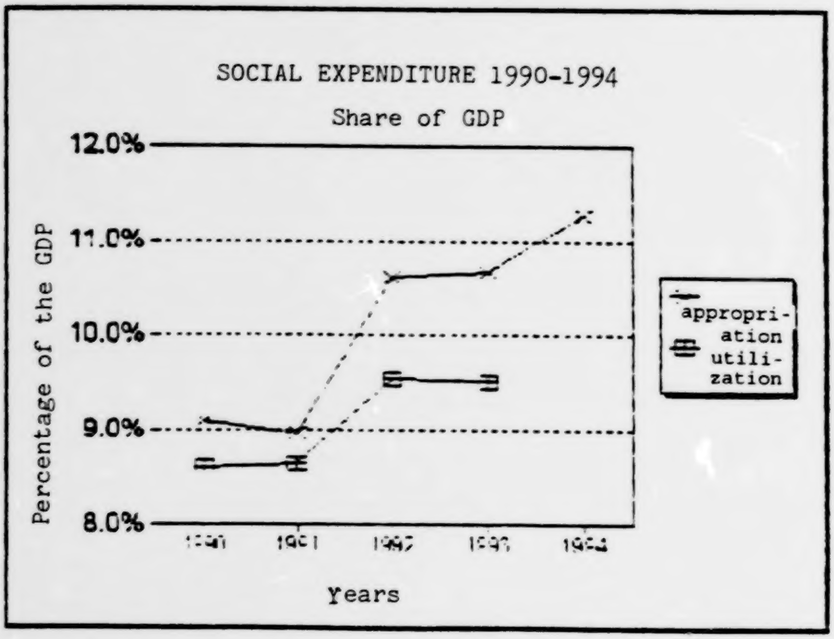
133. On the basis of the above definition, budget appropriations grew by 43.5 per cent between 1990 and 1994 in constant pesos; the highest rate of increase (22.4 per cent) was achieved in 1992. The proportion of GDP accounted for by such appropriations rose from 9.1 per cent in 1990 to 11.3 per cent in 1994.

134. The social sector budget has remained at a level of around 38 per cent of the total national budget, although the latter has increased by 43 per cent. This means that, despite the fact that other components of public expenditure are growing much more rapidly, 2/ the ratio of social expenditure to total expenditure remains more or less constant, denoting a significant increase in the social component.

135. On the basis of budget appropriations, per capita social spending at constant 1993 prices rose from Col$ 108,000 in 1990 to Col$ 145,000 in 1994 - an increase of 34.3 per cent. The increase in appropriations for the sector as a percentage of GDP was 23.7 per cent in the period 1990-1994.



This is explained by the growth of social expenditure as a proportion of GDP in most sectors during the same period namely, from 2.75 per cent to 3.48 per cent in education, from 0.13 per cent to 0.2 per cent for culture, sport and recreation, from 1.39 per cent to 1.97 per cent for health and nutrition, from 3.51 per cent to 4.43 per cent for social security, and from 0.21 per cent to 0.35 per cent for drinking water supplies and basic sanitation.

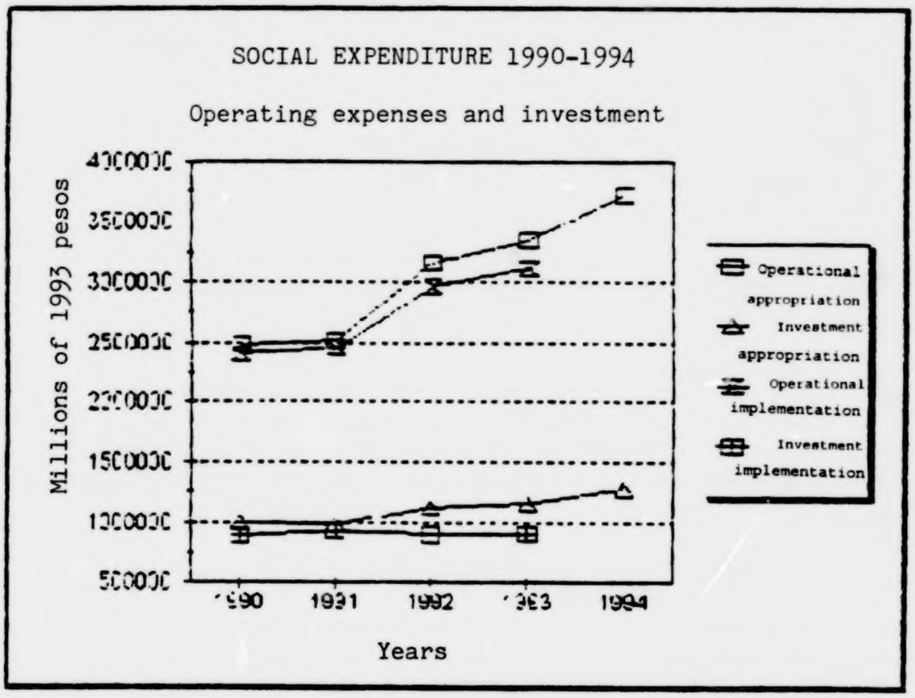


136. An analysis of total social spending by sector shows that those sectors with the highest share of expenditure are education with roughly 30 per cent, health and nutrition which rose from 15.3 per cent to 17.5 per cent, and social security which went up from 38.6 per cent to 39.4 per cent between 1990 and 1994.

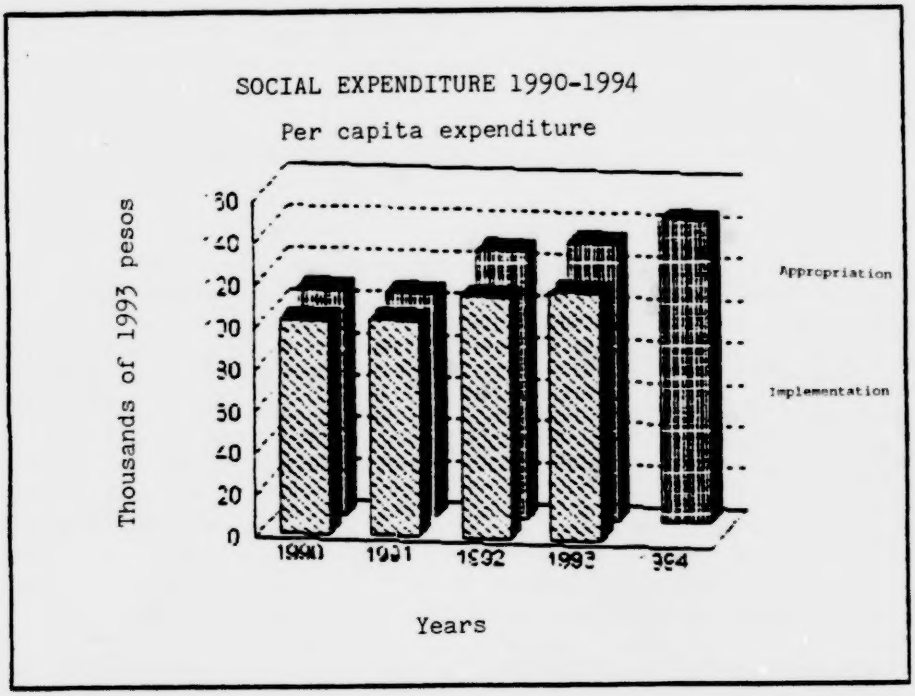
137. The level of investment as a proportion of the total appropriation for the social sector remained stable at around 26 per cent for the period 1990 to 1994, but suggesting a slight downtrend explained by the Government's contribution to such labour-intensive sectors as education. In fact, the increase in operational appropriations for the period was 50.1 per cent, concentrated mainly in 1992 with a 25.7 per cent increase, more than three-quarters of which is accounted for by the education sector. Although the growth rate of capital expenditure was lower than that of operational expenditure, it was nevertheless fairly substantial, amounting to 27.2 per cent for the period.

138. These indicators reveal that the national budget is the main source of funds for the fulfilment of social infrastructure obligations and investment in human resources. Some social sectors have recorded a substantial recovery, exceeding social expenditure as a whole or even total spending, and this has made it possible to reverse the downward trend and, in particular, the fluctuations observed since 1985.

139. With regard to budget implementation, it is observed that 94.7 per cent of appropriations were used in 1990 and 96.5 per cent in 1991. However, the corresponding figure for 1992, the year in which appropriations grew by 22.4 per cent, was 90 per cent, which means that more than 430,000 million pesos were left unspent, an amount equivalent to 1.1 per cent of the GDP and to practically total capital expenditure on education, health and social security for the same year. The implementation/appropriation ratio for 1993 was 89 per cent. A breakdown of budget implementation in terms of operating expenses and investment shows that the latter dropped by 11.5 per cent during the reference period.



140. Actual social outlay between 1990 and 1993 grew from 8.6 per cent to 9.5 per cent of GDP, and per capita outlay rose from Col$ 102,000 in 1990 to Col$ 118,000 in 1993 - an increase of 16.1 per cent. It is important to note that, owing to inefficiency of resource management in the social sector, every Colombian received Col$ 14,000 less than the amount actually earmarked for social expenditure by the Government.



141. Even if only the actual outlay in the education, health and nutrition, social security and housing sectors is considered as social expenditure, it will be seen that the level of spending began to pick up during the period 1990-1994, rising from 7.9 per cent of GDP in 1990 to 8.7 per cent in 1993, after having fallen to 7.2 per cent in 1988 and remained under the 8 per cent level in the second half of the 1980s.

142. The biggest problem in the social sector is that of the use of funds (implentation), given the perceived inability to absorb the higher level of appropriations through efficient disbursement, particularly in the 1992 fiscal year. This shows the institutional weakness of the social sector, already diagnosed in the Development Plan, and justifies the priority given to the reform and modernization of institutions.

143. Generally speaking, most of the difficulties in budget implementation were due to the poor management capacity of institutions in the social sector and the institutional shake-up caused by constitutional changes, which had a particularly strong impact on the implementation of programmes involving demand subsidies. A more detailed analysis of the figures shows that the sectors which bore the main responsibility for the poor budget performance in 1992 were education and social security: in the first case, as regards both operational expenditure and investment, and in the second case with particular reference to the Social Security Institute which had the lowest level of investment implementation (only 8.8 per cent).

144. For the above reasons, from 1992 - and earlier in some cases - the Government introduced a whole series of institutional reforms largely centred on social policy measures, as a prerequisite for the efficient utilization of the higher level of budgetary resources in the social sector.

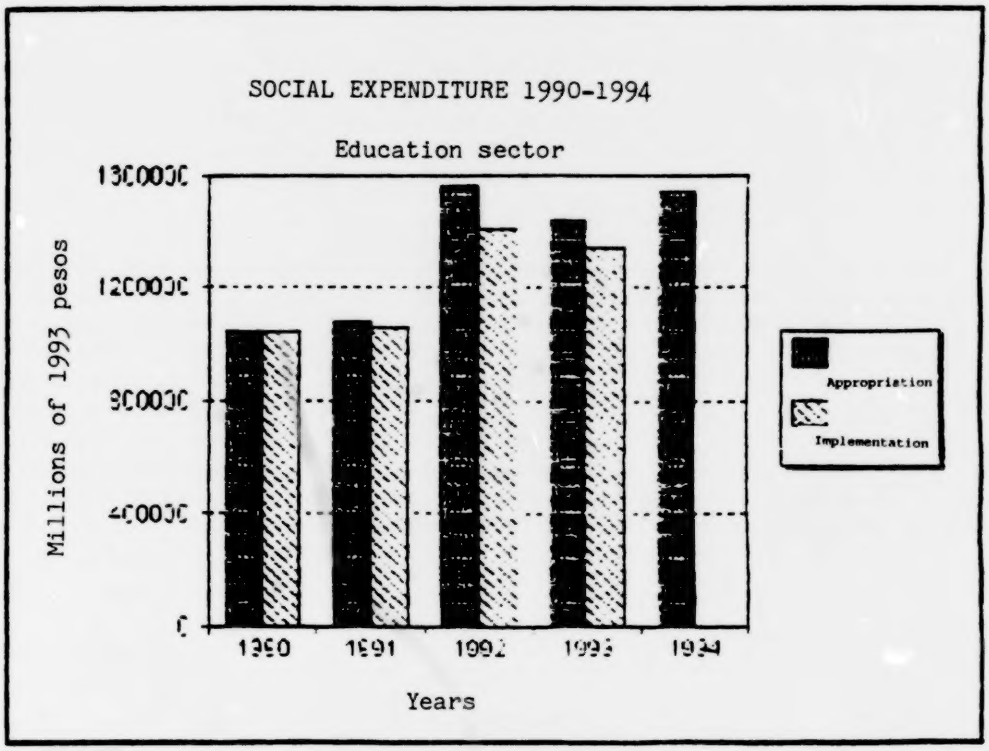
2. Trends in expenditure by sector

(a) Education

145. During the period 1990-1994, budgeted public expenditure grew by 47 per cent, namely by 4 per cent more than total expenditure.

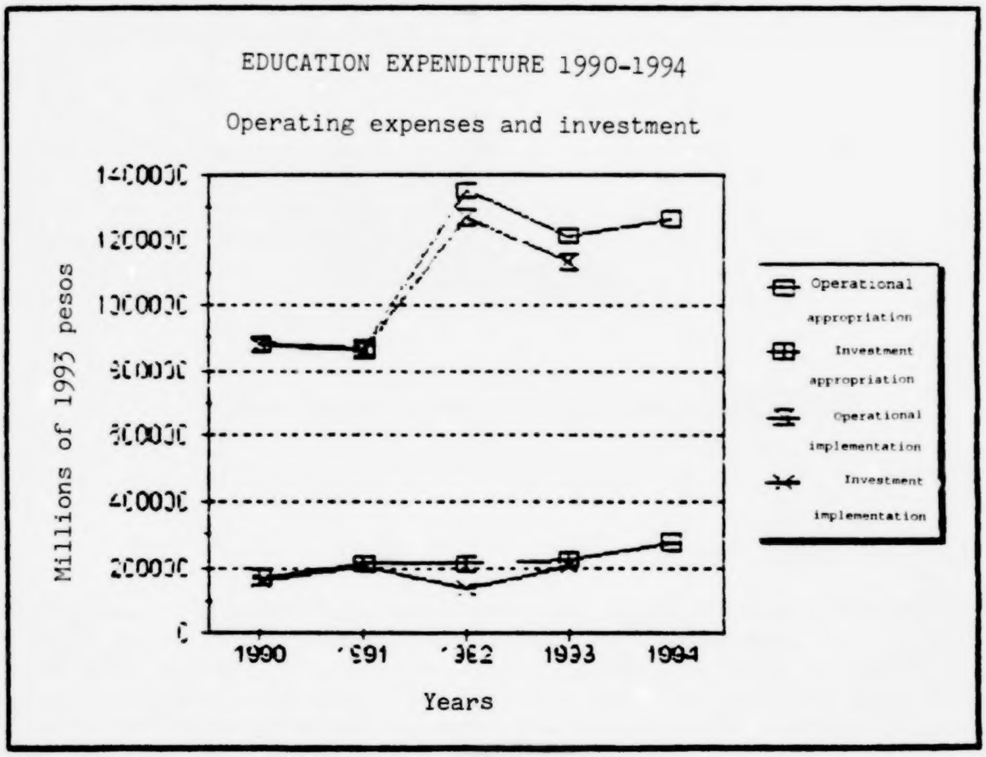
146. The share of investment in total expenditure for the sector fluctuated between 13.6 per cent and 19.6 per cent. The fact that this is a sector which provides services is reflected in the high proportion of operating costs. The 55.1 per cent increase in the share of operational expenditure in 1992 was due to the steps taken by the Government during that year to set up the machinery needed to pay off the long-term social security debt of the teaching profession, in order to put the finances of its Social Security Fund on a sound footing. As a result, an enormous budget appropriation had to be earmarked for operational expenditure in 1992, the amount of which has diminished in subsequent years as the debt continues to be paid off.

147. In this connection it should be pointed out that, according to the books between 1992 and 1993 approximately 70 per cent of the Fund's resources were set aside for redundancy payments, while no more than 23 per cent were allocated to pensions. This means that the Fund has assisted working teachers, thus influencing the quality of education through an improvement in working conditions, which ensures that more time is actually spent on teaching.



148. The ratio of expenditure to GDP reached its highest point of 3.87 per cent in 1992, and fell back to 3,48 per cent in 1994 (see chart).

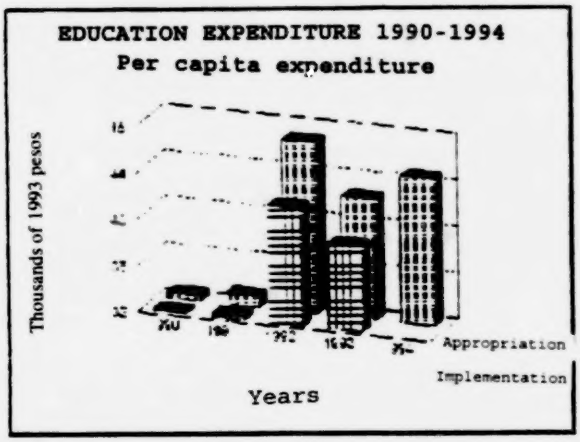
149. Budget implementation increased by 29 per cent during the period 1990-1993. The ratio of actual disbursements to provisions dropped from 98.7 per cent in 1990 to 93 per cent in 1993, and reached its lowest level of 90.1 per cent in 1992. An analysis of these figures shows that the management capacity of the sector is not up to the task of coping with the increased resources, particularly investment funds. The difficulties experienced in 1992 are partly explained by the freezing of resources on the basis of the interpretation of article 355 of the Constitution. The delays in implementation observed in 1993 were due partly to the winding up of the Fund operated by the Ministry of National Education, in accordance with the modernization of the social sector (Decree No. 2132 of 1992). A substantial improvement in budget implementation should be achieved in the next few years with the stepping up of decentralization (Act No. 60 of 1993) and the institutional reforms effected since 1992.



150. Despite these difficulties, resource disbursement as a proportion of the GDP increased by 29 per cent, from 2.72 per cent in 1990 to 3.17 per cent in 1993.

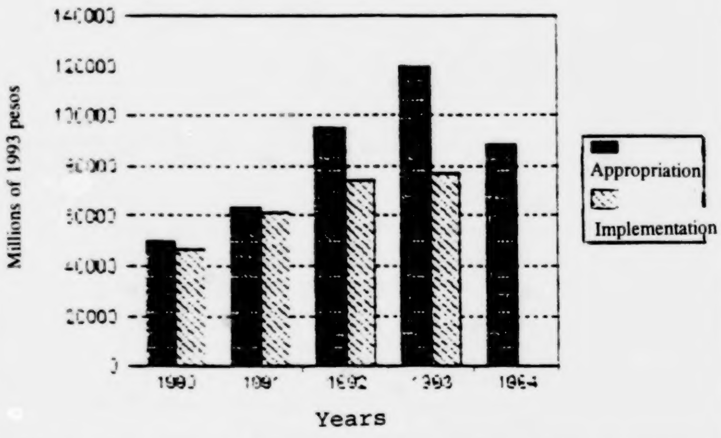
151. The importance attached to education by the Government is reflected in the increase in the per capita appropriation, which rose from Col$ 32,580 in 1990 to Col$ 44,735 in 1994 (1993 pesos), an increase of 37.3 per cent. In terms of actual per capita spending, the increase was 22.7 per cent.

152. Most of these additional resources were allocated to basic education, where the social returns are greater. Investment in this type of education rose from Col$ 24,747 million in 1990 to Col$ 117,334 million in 1994 (constant 1993 pesos), a 374 per cent increase, and represents 42.1 per cent of investment in the sector, whereas it accounted for only 14.4 per cent of such investment at the beginning of the decade. This commitment to basic education shows the emphasis placed on investing more in human resources and fairness, which produces a major impact in the medium term.



(b) Culture, sports and recreation

153. Resources allocated to the culture, sport and recreation sector increased by 74.8 per cent over the period 1990-1994. The main increase occurred in the sports subsector, where it reached levels of 62.4 per cent over the same period and 220 per cent between 1990 and 1993. The appropriation has fallen in 1994, mainly on account of the low level of implementation for 1993, corresponding to only 63.6 per cent of the total appropriation, and the restructuring of Coldeportes which made it possible to reduce operational expenditure.



SOCIAL EXPENDITURE 1990-1994

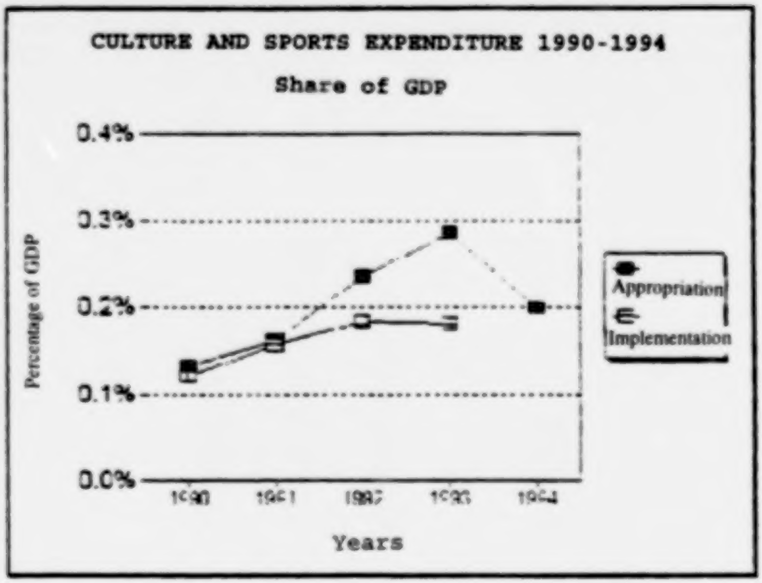
Culture and sports sector

154. The level of investment as a proportion of total resources for the sector rose from 32.8 per cent in 1990 to 47.3 per cent in 1994, indicating a shift in spending patterns within the sector which thus accounts for 1.7 per cent of social spending in 1994.

155. Resources allocated to the sector amounted to 0.13 per cent of GDP in 1990, 0.2 per cent in 1994 and a high point of 0.28 per cent in 1993.

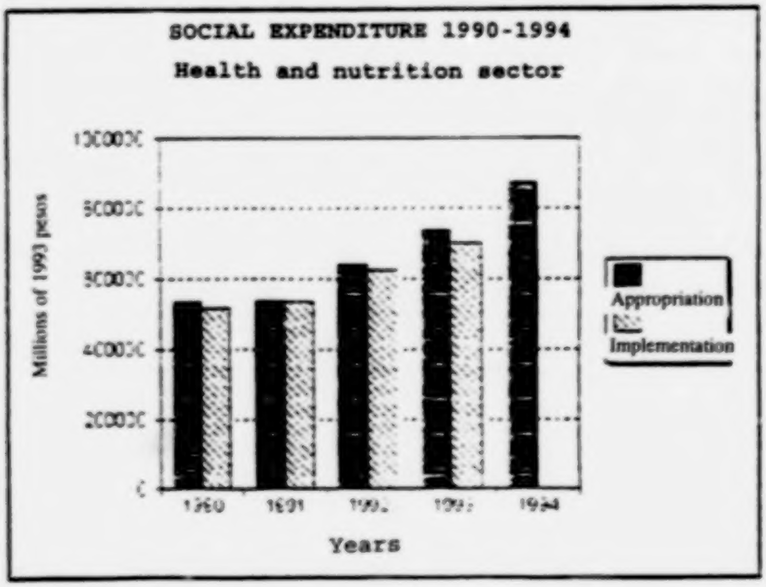
156. The utilization of resources fell from 91.6 per cent of appropriations in 1990 to only 63.6 per cent in 1993, reflecting a down trend. This demonstrates the institutional inability of the sector to manage the higher level of resources. The chief bottleneck occurred in the area of investment, where the level of utilization was only 35.8 per cent in 1993 for the entire sector and as little as 20.9 per cent in the case of sport.

157. Notwithstanding the above, resource utilization as a proportion of GDP rose from 0.12 per cent in 1990 to 0.18 per cent in 1993, and per capita expenditure increased by 57.2 per cent, from Col$ 1,435 (1993 pesos) in 1990 to Col$ 2,255 in 1993. The latter figures reflect a substantial increase in resources allocated to the sector, particularly for sport and recreation.



(c) Health and nutrition 3/

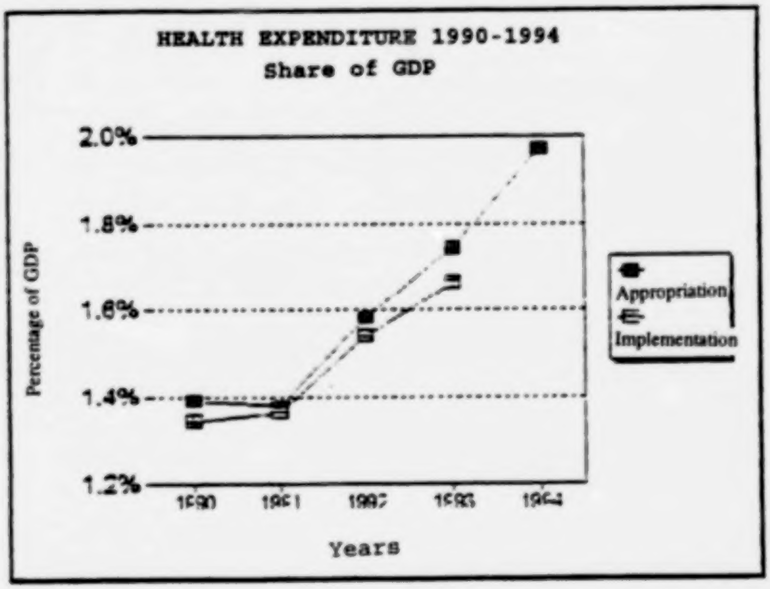
158. The average annual growth rate of public expenditure under the budget for the sector during the period 1990-1994 was 13.1 per cent, and the total increase in appropriations for the same period was 64 per cent. The latter figure is roughly 21 per cent higher than the increase in total public expenditure. It is clear from the chart that funds earmarked for the health and nutrition sector increased during the period.



159. The proportion of the total appropriation for the sector accounted for by investment 4/ fell from 43.1 per cent in 1990 to 36.5 per cent in 1991, after it began to rise, reaching a level of 42.5 per cent in 1994. It should be emphasized that an effort was made to attach greater importance to investment as a component of total spending within the sector, since it grew by 62 per cent between 1990 and 1994 and by 26.3 per cent between 1990 and 1993 in terms of budget implementation.

160. The level of investment in the nutrition subsector fell from 65.2 per cent in 1990 to 53.3 per cent in 1994; its highest level (78 per cent) was achieved in 1992, and this very high figure is attributable to a surplus of approximately Col$ 27,000 million generated by the Colombian Family Welfare Institute in 1991, a surplus which was incorporated in the 1992 budget. Although the Institute's investment spending grew by 32.2 per cent during the period, it lost ground within the sector, particularly in 1994 when a considerable increase in investment, brought about by the reform of the social security system (Act No. 100 of 1993), substantially boosted health sector resources.

161. The percentage relationship between appropriations and GDP rose from 1.39 per cent in 1990 to 1.97 per cent in 1994, representing an increase of 41.4 per cent over the period in question. The per capita appropriation increased by 53.5 per cent, from Col$ 16,476 in 1990 to Col$ 21,673 in 1994.



162. The increase in actual disbursements, though less rapid than in the case of appropriations, amounted to 28 per cent in real terms between 1990 and 1993.

163. The sector responded favourably to the increase in resources, since the quantitative relationship between earmarked and disbursed funds fell slightly between 1990 and 1993, from 96.7 per cent to 95.4 per cent. The institutional capability of the sector is revealed by the fact that the decline in the level of implementation for the period 1990-1994 was only 1.3 per cent, which is more than 4 per cent below the average for the social sector over the same period.

164. Further evidence of the institutional capability of the sector is apparent in the support given by Government to the Departments in order to ensure tax collection. For example, an effort to achieve satisfactory financing of the health services was made not only at the national level; the local and regional authorities also increased their contribution, albeit on a smaller scale, using their own resources and revenue transfers. The level of such transfers rose from 0.53 per cent of GDP in 1991 to 0.65 per cent in 1994, at an annual average growth rate of 30 per cent.

165. Actual expenditure as a proportion of GDP rose from 1.35 per cent in 1990 to 1.66 per cent in 1993, a figure never achieved in the previous decade, not even in 1984. Per capita outlay increased by 30 per cent, from Col$ 15,931 in 1990 to Col$ 20,673 in 1993.

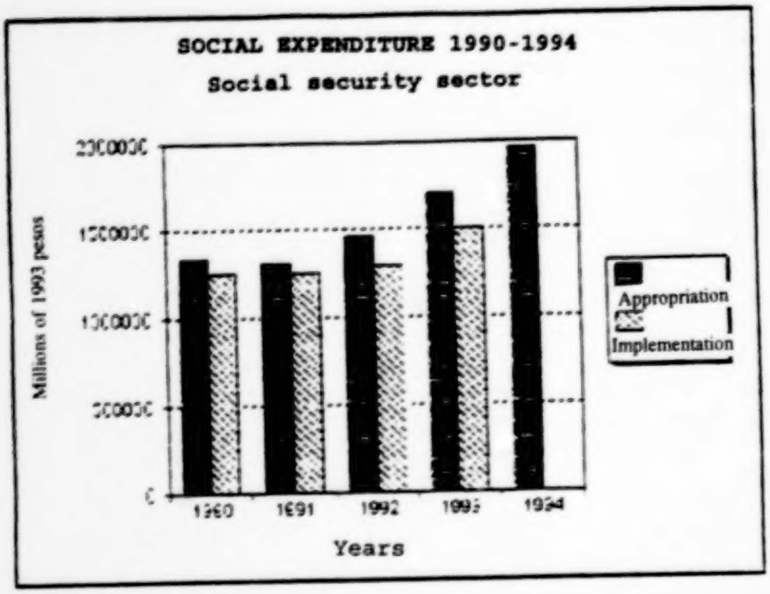
(d) Social security

166. Budgeted public expenditure grew by 46.6 per cent during the period 1990-1994. However, this figure does not include the 1994 provision of additional resources, in the amount of Col$ 46,000 million, earmarked mainly for elderly poor people and minimum pensions under Law No. 100 of 1993.

167. The provision for current expenditure, as a proportion of total spending in the sector, rose from 85 per cent in 1990 to 92.6 per cent in 1994, which is explained by the fact that this budget item essentially includes resources earmarked to cover the deficit of the National Social Security Fund with regard to the fulfilment of economic obligations which had been recognized but not settled, and the pension liabilities of the National Railways and Harbours of Colombia. Accordingly, the increase in the appropriation for current expenditure during the period 1990-1994 was 59.2 per cent. On the other hand, capital expenditure fell by 27.3 per cent over the same period, largely as a result of the 29.1 per cent decline in investment by the Social Security Institute.

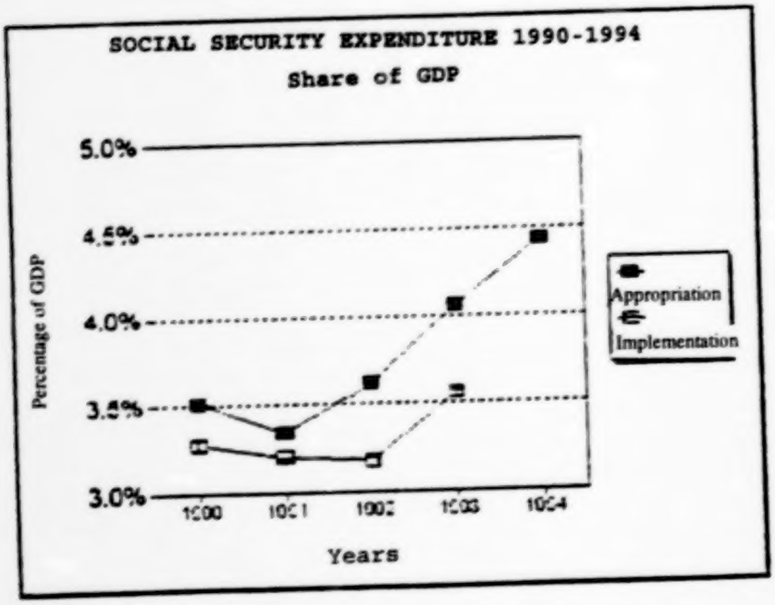
168. The amount of appropriations as a percentage of GDP rose from 3.51 per cent in 1990 to 4.4 per cent in 1994 - an increase of 26.2 per cent.

169. Per capita appropriations for this sector grew from Col$ 41,584 in 1990 to Col$ 57,000 in 1994 - an increase of 37 per cent.



SOCIAL EXPENDITURE 1990-1994

Social security sector



SOCIAL SECURITY EXPENDITURE 1990-1994

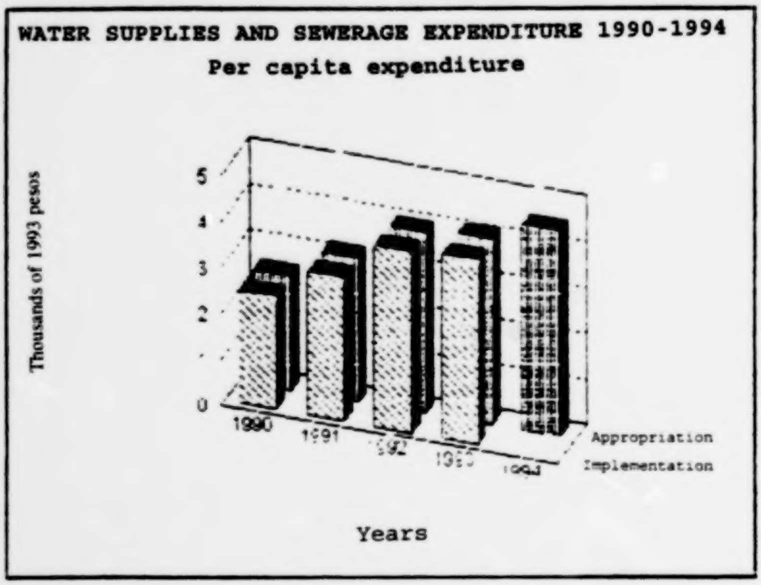
Share of GDP

170. The utilization of funds by the sector during the period 1990-1993 increased by 19.9 per cent, reflecting in part the low level of utilization by the Social Security Institute, namely, 16 per cent in 1993 and 8.9 per cent in 1994. This situation is explained mainly by the revision of contracts and projects, which affected the planning of activities when investment priorities were reviewed in connection with the restructuring of the Institute.

171. Budget implementation as a proportion of GDP shows an uptrend, from 3.3 per cent in 1990 to 3.6 per cent in 1993. Per capita implementation over the same period also rose by 14 per cent.

(e) Drinking water supplies and sewerage

172. Budgeted public expenditure 5/ grew by 93.7 per cent during the period 1990-1994, i.e. by an amount equivalent to more than double the increase in total government spending during the same period. Per capita spending increased by 81.2 per cent between 1990 and 1994, and implementation by 63 per cent between 1990 and 1993.



WATER SUPPLIES AND SEWERAGE EXPENDITURE 1990-1994

Per capita expenditure

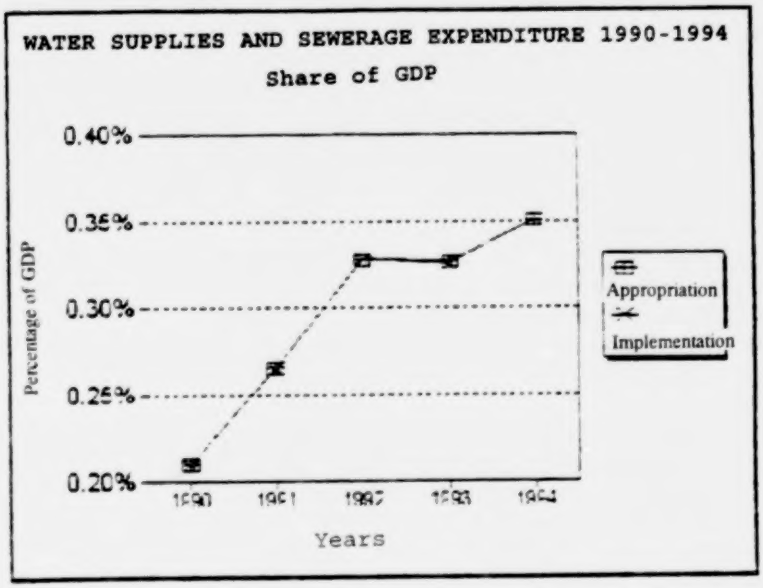
173. Despite the fact that there are roughly 12 agencies which allocate resources for drinking water and basic sanitation, such resources have been concentrated in the budgets of the National Planning Department and the Ministry of Finance, particularly the latter through FINDETER, the agency responsible for funding in this sector. These two agencies between them accounted for 81.6 per cent of resources in 1993.

174. All government spending in this sector is for investment, since operational activities are the responsibility of the administering agencies and are financed by the latter through user charges.

175. The proportion of GDP accounted for by budget appropriations grew throughout the period, from 0.21 per cent in 1990 to 0.35 per cent in 1994.

176. The sector's share of total social expenditure rose from 2.31 per cent in 1990 to 3.11 per cent in 1994.

177. The appropriation/implementation ratio remained steady at 99 per cent throughout the period. Considerable efforts were made to strengthen institutional efficiency through the National Drinking Water and Sewerage Plan, by giving the municipalities continued responsibility for the implementation and administration of services and by strengthening the functions of technical assistance, planning and control bodies at the regional and national levels.


WATER SUPPLIES AND SEWERAGE EXPENDITURE 1990-1994

Share of GDP

178. As a proportion of GDP, implementation showed an uptrend throughout the period, rising from 0.21 per cent in 1990 to 0.32 per cent in 1994.

179. Total central government investment in the sector stands at close to Col$ 454,000 million (1993 pesos). This effort on the part of the Government has had a substantial impact from the standpoint of social infrastructure, bringing with it an improvement in the quality of life, inasmuch as a large number of Colombians have benefited, as will be seen below, and it has thus been possible to meet the basic unsatisfied needs of the population.

180. Investment in this sector also shares some positive external features with the health and nutrition sector, adding to the benefits for the population. These achievements are consistent with the aims of the "peaceful revolution", in which the drinking water and basic sanitation sector is defined as one of the priorities.

181. These results show the importance of institutional reforms as a precondition for achieving adequate levels of implementation. The reforms in question involved the organization of the sector through the establishment of the Office of the Deputy Minister for Housing, Urban Development and Drinking Water and the Regulatory Commission responsible for drinking water and sanitation, the two bodies which control the technical assistance programme of AT PAS. 6/ These reforms have sharpened the distinction between the State's regulatory role and its task of supplying and administering services at local level.

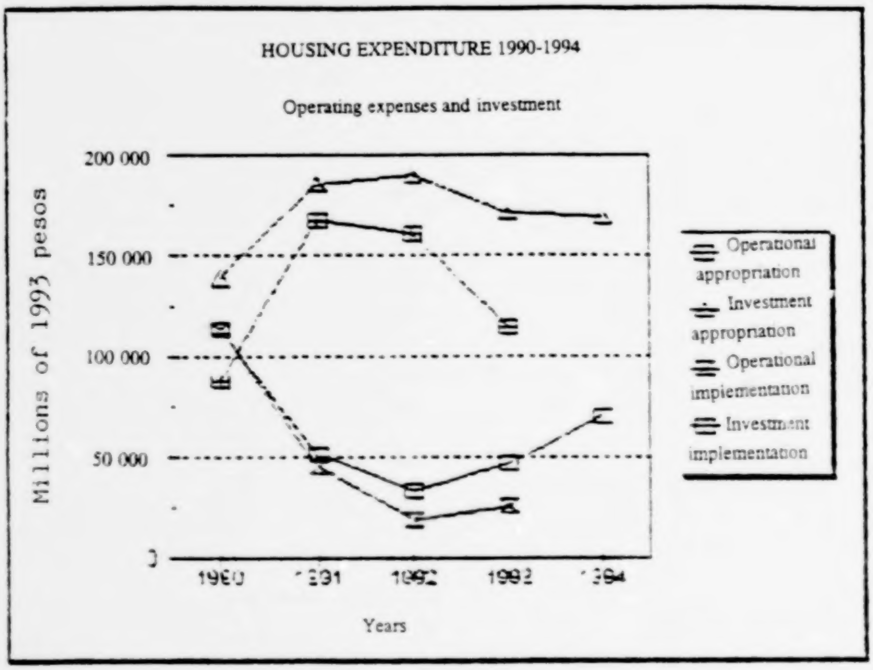
182. In this sector, unlike others, the greater increase in resources was matched by 100 per cent implementation.

(f) Housing

183. During the period 1990-1994, public spending declined by 5.5 per cent; this is explained in part by the fact that INURBE scrapped the compulsory investments of the financial institutions and the loan function previously performed by the Local and Regional Loan Institute (ICT). Apart from 1994, which saw a 9.7 per cent increase, all other years during the reference period recorded a decline.

184. It is important to note that the decline in spending in the housing sector is attributable to the new housing strategy adopted from 1991 onwards. An analysis of the Development Plan made it clear that, despite the efforts made by the State in this sector for more than 50 years, Colombians continued to suffer from a lack of decent housing. It therefore became necessary to overhaul the system by strengthening and increasing the influence of the housing market, with the aim of adequately serving the poorest population groups through the family housing subsidy. A policy was then devised which placed particular emphasis on local government and the private sector and which, above all, modified the powers of the central Government.

185. The composition of spending in this sector has changed significantly, given the decline in the operational component from 45 per cent in 1990 to 30 per cent in 1994. This means that, for every peso invested in 1990, Col$ 0.82 was allocated to current expenditure, while the corresponding figure in 1994 was only Col$ 0.41. This downward trend is explained by the fact that, in the context of the housing policy introduced by the Government, measures were taken to improve efficiency, including the elimination of superfluous posts. At INURBE, for example, the establishment was reduced from 3,000 to 600 employees. Although the appropriation for current expenditure declined during the period, there were increases in some years corresponding to the debit balance generated by the restructuring of the agencies concerned.



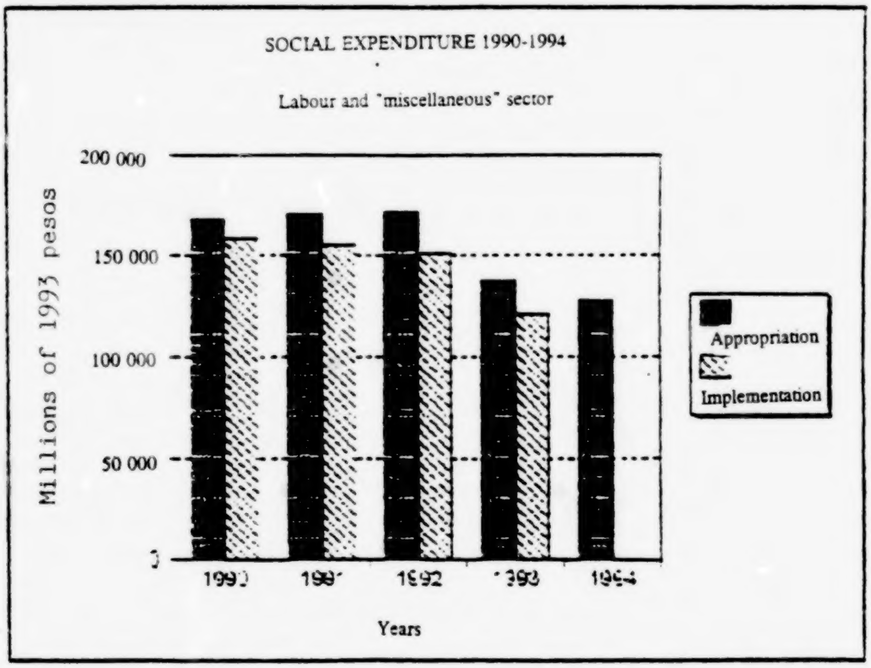
186. The proportion of the gross domestic product accounted for by expenditure has shown a down trend, from 0.66 per cent in 1990 to 0.54 per cent in 1994. As a proportion of total social expenditure, spending in the sector fell from 6.36 per cent in 1990 to 4.01 per cent in 1993. However, recipients of housing benefits increased in number under the new system compared with the previous one, owing on the one hand, to the greater efficiency of the new system, and on the other to the fact that, prior to the winding up of ICT, investment figures did not necessarily cover housing construction, but did include investment in building sites. Under the current arrangements, a total of 168,000 completed dwelling units come on the market every year, compared with 87,150 in the 1980s. As regards public housing, 110,000 dwelling units have been built every year, whereas in the 1980s ICT barely achieved a total of 37,000 per annum.

187. An analysis of the results of the utilization of earmarked funds in real terms shows a downward trend, due to the fine-tuning of the new system, which still requires adjustments to achieve the genuine modernization of the sector and ensure wider coverage, expanding supply capacity. There is an awareness of the importance of continuing to develop mechanisms such as that of planned savings, which make it possible to strengthen the demonstrated income capacity of applicants.

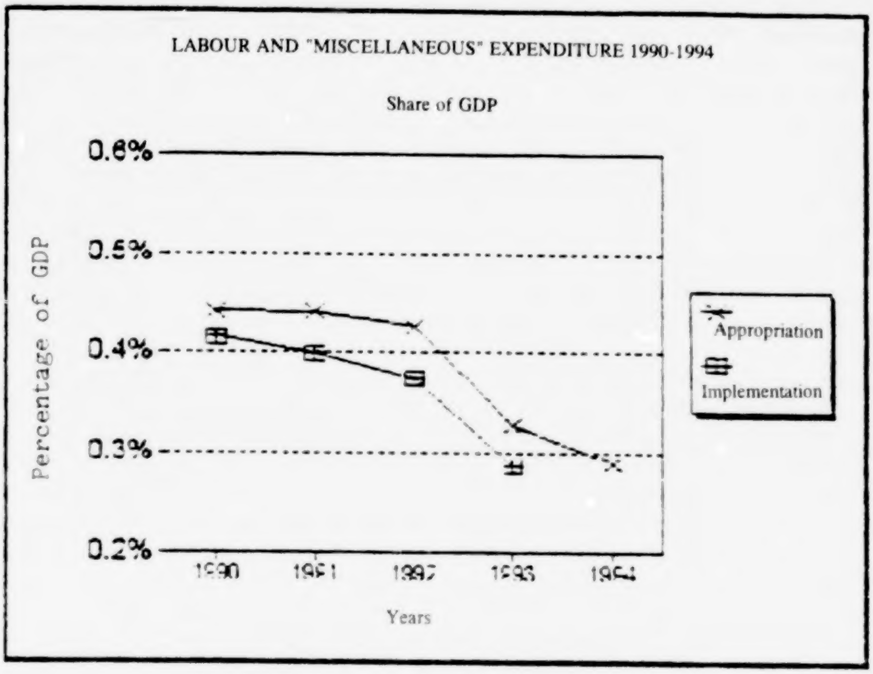
(g) Other programmes

188. The programmes sponsored by the Office of the President of the Republic and those in the labour and employment sector are described below. Between 1990 and 1994, there was a 23.4 per cent decrease in the funds earmarked for these programmes, which is explained by their temporary nature.

189. Most of the employment programmes are aimed at the promotion of small enterprises and are carried out within the framework of the National Plan for the development of small enterprises and income generation. Employment programmes accounted for 52 per cent of the total appropriations for "other programmes" during the period 1990-1994, andthe corresponding budgetary funds were devoted solely to investment. In per capita terms, the allocation rose from Col$ 5,216 in 1990 to Col$ 4,000 in 1994.



190. With regard to budget implementation, the continuous institutional changes in the Administrative Department of the Office of the President, changes in the rules and regulations and reforms introduced by the new Constitution are responsible for the low level of management efficiency between 1990 and 1994 and the consequent 6.9 per cent decline in implementation, which is largely explained by the fact that the level of investment fell from 94 per cent in 1990 to 86 per cent in 1994.



LABOUR AND "MISCELLANEOUS" EXPENDITURE 1990-1994

Share of GDP

191. In per capita terms, the level of implementation fell from Col$ 4,900 in 1990 to Col$ 3,572 in 1994.

B. Institutional reforms

192. The new social policy, which reflects the principles embodied in the new Constitution, development objectives, the structural obstacles encountered in their diagnosis, changes in the economic model, the extension of democratic processes, and the search for greater equity in public expenditure called for far-reaching institutional reforms consistent with the modernization of the State.

193. In addition, important changes have been made at the sectoral level, as an essential prerequisite for achieving the objectives of coverage and quality that must be attained if the country is to develop properly and reduce poverty.

194. The main institutional reforms carried out and the changes made in each particular sector are described below.

1. Decentralization

195. The extension of the decentralization process has been one of the most important steps taken by the Government for the modernization of the State. In the old development model, the central sector was overburdened with functions, which meant that many of them could not be performed properly, that the best results were not always achieved, and - what was more important - solutions in many cases did not correspond fully to the community's needs and priorities.

196. Under the former system, there was a high degree of centralization in decision-making, in financial management, in sectoral administration and in resource management, as a result of which the measures adopted were not always the most appropriate and tended to come too late. For instance, the central sector was required to take decisions in matters that were purely local in scope, such as, in the case of education, the administration of teaching staff and, in the case of health, the administration of medical staff. In addition, there were no clear lines of demarcation in responsibilities and duties between the national level and the departmental and municipal level, which led to duplication of work and to institutional deficiencies. Lastly, decisions were taken without the proper degree of participation by the regions and the communities that were the beneficiaries of social services.

197. For the above reasons, the Government, since the National Constituent Assembly and after the promulgation of the constitution of 1991, decided to give priority to the decentralization process, which sought to ensure that territorial authorities would play a decisive role in the social and economic development of the regions by meeting the demands of the people in so far as satisfaction of their basic needs was concerned. The necessary powers were transferred to these territorial authorities, together with the financial, and administrative and technical means needed to exercise them. The indication of clearly-defined sources of financing in the decentralization process has been one of the most important advances made in the social sector under the present Government.

198. In June 1993 the Congress of the Republic, on the initiative of the Government, approved Law No. 60 - constituting one of the most important reforms in the social field - which gives added momentum to decentralization of social services management, and doubles the resources appropriated by the State for financing that process.

199. Under this Law, that portion of tax revenue and municipally-contributed State revenue that would have been used for health, education, water supplies, basic sanitation, housing and agriculture is transferred to Departments and Districts, together with the powers appropriate for each level in the various sectors concerned. Thus municipalities become the bodies chiefly responsible for taking action in all these sectors, in so far as administration, inspection and monitoring of services, and financing of the infrastructure are concerned. The Departments, for their part, are required to administer the funds allocated by the State, to act as intermediaries between the State and the local authorities, to evaluate, and to provide technical assistance in the administration and financing of the social services.

200. The system of allocation of resources introduced by Law No. 60 provides that none of the territorial authorities may reduce the level of its expenditure below that of previous years, and that, in addition, they must achieve the required increases in the coverage of the services specified in the Government's Development Plan.

201. Under this Law priority is given to health, education, drinking-water supplies and basic sanitation, areas in which the State is deemed to bear a larger share of social responsibility; accordingly, 100 per cent of tax revenue go to health and education, as does 75 per cent of current revenue transferred to local authorities, with the addition of drinking-water supplies.

202. With a view to ensuring the success of the decentralization process and a gradual transition in keeping with the financial, administrative and technical capabilities of the territorial authorities, the Law specified a four-year transition period.

203. As a result of this redefinition of functions and redistribution of financial resources, the territorial authorities will be responsible for over 50 per cent of public expenditure over the next few years, and will play a leading role in achieving the country's economic and social development objectives.

204. One of the most important aspects of this new Law is, first, that it uses as a criterion for resource allocation the number of inhabitants whose basic needs have not been satisfied and the degree of poverty of the district concerned, and not simply, as in the past, the number of inhabitants; secondly, it rewards thrifty, efficient and effective administration and financial management on the part of the territorial authorities; and thirdly, it encourages improvements in the quality of life by making more resources available.

205. The new approach reflected in this Law defines as social investment operational expenditure relating to the wages of teaching staff, doctors, nurses and community leaders, as well as technical and professional personnel, as well as their contributions to the social security system.

2. Co-financing

206. Under the new Constitution (transitional art. 20), the Government, with a view to ensuring greater efficiency in the use of public funds, created the National Joint Financing System (Decree No. 2132 of 1992), in the form of a Social Investment Fund, which was a combination of four previous funds, namely, the Ministry of Education Fund, the National Hospital Fund, the Integrated Fund for Rural Development and the Towns and Roads Joint Financing Fund. 7/

207. The creation of this System was one of the strategies designed to strengthen the financing and structure of territorial authorities, with a view to supporting the decentralization concept and making it viable. Under the new system of joint financing, territorial authorities are made responsible for initiating and implementing projects, in line with the policy priorities laid down by ministries.

208. The objectives of the National Joint Financing System are, on the one hand, to provide additional support from the national budget for social projects which are within the field of competence of local authorities but in which the State has a special interest and, on the other hand, to simplify and standardize procedures for obtaining funding for joint financing through various State bodies. The System also promotes local autonomy and helps to strengthen participatory democracy through the creation of systems at local level, by which programmes and projects of interest to the community can be formulated. The System recognizes, inter alia, the Municipal Rehabilitation Councils and the Municipal Rural Development Committees as community participation bodies. In addition, projects approved by the Funds will be monitored by people's audit committees or other forms of citizen control.

209. At the national level, the Syatem comprises Joint Financing Funds, namely, public bodies to which funds for the social sector are allocated and which are run by joint financing mechanisms that determine policy; social service ministries, which formulate sectoral policy for programmes and projects that they consider should have priority for the development of the sector concerned; and the territorial authorities, which are responsible for the formulation and implementation of projects.

210. At the departmental level the Funds do not have regional subsidiaries; Departmental Joint Financing Units have been set up instead. These Units are to be consistent with the organization and policies of the Department concerned. The operation of the Units will be jointly financed by State funds, and they will be given the necessary technical assistance to ensure that they function effectively.

211. In accordance with the way the National Joint Financing System is designed to operate, the Funds delegate to Departments responsibility for keeping records, technical feasibility studies, approval of funding, and the monitoring and follow-up of projects submitted by municipalities and by Departments themselves.

212. One of the most important principles of the System is that of equitable access to resources on the part of territorial authorities, which means that priority must be given to the poorest in the allocation of funding. In addition, the principle of universality means that all territorial authorities should have access to joint financing resources through procedures and mechanisms and under conditions that are clear, standardized and consistent.

213. The System also provides for technical assistance to territorial authorities, particularly to those which are less well endowed with management and development skills, and also of providing greater flexibility in the handling of resources by means of a trustee system under the direct control of the authorities concerned.

214. The National Joint Financing System will thus administer resources in an equitable, comprehensive, efficient and effective manner, and will provide support for the decentralization of the social services, by means of which an improvement in the quality of life of the Colombian people will be achieved.

3. Focusing programmes of subsidies to meet specific requirements (demand subsidies)

215. Spending on and the coverage of social services have increased considerably in recent years in Colombia. Yet this increase has mainly benefited the middle classes, and has not succeeded in reaching the poorest and most vulnerable segments of society.

216. According to recent studies, in the early 1990s over 50 per cent of expenditure on secondary and higher education and over 55 per cent of that on housing, water supplies and sanitation systems benefited only some 40 per cent of the population. Although assistance to the national health system had the effect of expanding most services, this was not so in the case of surgery - a matter for concern in view of the impact of hospitalization costs on the

income of a poor family. In spite of the progress achieved with the community welfare homes programme, 30 per cent of the beneficiaries, especially in the large towns, are not poor. In rural areas, although the principal beneficiaries of welfare spending live in conditions of poverty, there is some leakage of benefits to groups that are not poor in the case of general investment, such as in infrastructure.

217. These shortcomings are not due to lack of government expenditure on social services, but rather to the absence of any specific policy designed to identify the beneficiaries and to find ways of gearing expenditure to real needs.

218. The Government has therefore given priority to the task of devising and introducing mechanisms to ensure that social policies benefit the poorest segment of the population by focusing social spending on particular targets; this has been done through the Constitution (in particular art. 157) and by Social Security Laws Nos. 60 and 100 of 1993.

219. Efforts to focus social services spending on specific targets have been reflected in the choice of sectoral priorities. Spending is thus to be concentrated on basic requirements in education, health and nutrition, drinking water supplies and sanitation, housing and social security.

220. In addition, the Government, through the National Rehabilitation Plan and the Solidarity and Social Emergency Fund, has made efforts to focus on the poorest regions, as well as on lower income population groups by means of programmes which, in some specific cases, call for demand subsidies.

221. In support of these efforts, the National Planning Department, through the Task Force to assist in decentralizing and focusing the social services, has devised and is supporting the use of a number of devices that will enable spending on social services to be better focused, either on the basis of geographical areas 8/ or programmes that require the granting of demand subsidies in connection with which steps must be taken to identify the homes, families and individuals who qualify to benefit directly from the programmes either by virtue of their socio-economic circumstances or their vulnerability. 9/

222. Demand subsidies constitute another strategy adopted by the Government with a view to improving the efficiency of social spending. Their purpose is to increase the range of social services available to the poorest groups, to improve the quality of such services, and to introduce an element of free choice for the recipients.

223. In education, a programme of grants has been introduced for students who, on completion of their primary schooling in State educational establishments, find places in private establishments but do not have sufficient resources to pay for their education. The programme is targeted at students of socio-economic levels 1 and 2 in large towns, and at students in poor municipalities throughout the country. A programme providing grants for students at secondary level through a system of scholarships has also been put into effect.

224. In the field of health, programmes have been introduced to subsidize the establishment of compulsory health plans through arrangements designed to benefit the poorer sectors of the population.

225. In addition, the new Social Security Law provides for programmes of demand subsidies which, through the Solidarity Health Fund and the Solidarity Pension Fund respectively, enable social expenditure to be better focused on persons unable to make all the contributions necessary for eligibility for health services and pensions. It also set up a relief programme for destitute elderly persons, designed to assist poor persons of over 65 years of age who would never be able to qualify for benefits under a social security system.

226. In housing, a programme of individual subsidies has been introduced for families with incomes between two and four times the minimum wage, and one of collective subsidies for families with incomes between zero and twice the minimum wage.

4. Reform of social sector institutions

227. Transitional article 20 of the new Constitution stated that State institutions must undergo a process of reform. The purpose of this reform was to provide the State with the machinery required to assume new functions and responsibilities designed to give effect to the new principles of social policy, namely, the promotion of decentralization process, the modernization of the State, and the introduction of new associates such as non-governmental organizations and the private sector. The purpose was to make the State more aware of the real needs of citizens, so that meeting their needs would become an end in itself.

228. With a view to achieving this end, ministries in the social sector, notably the Ministries of Education, Health, Labour, Development and Agriculture, as well as the Administrative Department of the Office of the President, were restructured. These institutional reforms were consolidated by the new legal regime introduced by Laws Nos. 60 and 100 of 1993.

C. Conclusions

229. Appropriations for the social sector rose by 44 per cent in constant pesos between 1990 and 1994. This implied a considerable increase in social expenditure as a percentage of GNP, rising from 9.1 per cent in 1990 to 11.3 per cent in 1994, while per capita social expenditure rose from Col$ 108,000 to Col$ 145,000 (in 1993 constant pesos) in the same period.

230. This increase meant that the majority of social sectors increased their share of GNP, in some cases reaching levels never before attained, not even in 1984 when social expenditure was the highest of the decade.

231. Problems arose in the social sector in connection with the use of the increased resources appropriated in the course of the current four-year period, and especially in 1992, when appropriations increased by 22.4 per cent but some Col$ 430 million, an amount equivalent to 1.1 per cent of the GNP, failed to be used. The greatest difficulties were encountered in education and in the Social Security Institute.

232. In comparison with the previous four-year period, social expenditure between 1990 and 1993 as a proportion of GNP rose from 8.6 per cent to 9.5 per cent, and social per capita expenditure rose from Col$ 102,000 to Col$ 118,000 in the same period.

233. If social expenditure is considered only as that effected in the education, health and nutrition, social security and housing sectors, it will be seen that it increased during this period. It rose from 7.9 per cent of GNP in 1990 to 8.7 per cent in 1993, after having fallen to 7.2 per cent in 1988 and having remained below 8 per cent throughout the second half of the 1980s.

234. Appropriations for education, health and social security - sectors that account for some 87 per cent of total social expenditure - rose 47 per cent, 64 per cent and 46 per cent respectively between 1990 and 1994, while expenditure rose by 29 per cent, 28 per cent and 20 per cent respectively between 1990 and 1993. Per capita social expenditure rose in the same sectors by 37.3 per cent, 30 per cent and 14 per cent during this period.

235. The increase in public expenditure in the education sector was destined chiefly for primary education, which in social terms yields a higher rate of return. Investment in primary education increased by 37.4 per cent and accounted for 42.1 per cent of investment in the sector as a whole, whereas at the beginning of the 1990s the corresponding figure had been only 14.4 per cent.

236. Of special interest is the drinking water supply and sanitation sector, in which the institutional reforms adopted resulted in the spending of some Col$ 454 billion (in 1993 pesos), at an annual rate of 99 per cent, providing 5.6 million Colombians with drinking water and 3.6 million with sanitation facilities in 450 municipalities.

237. The institutional reforms carried out have increased the effectiveness of expenditure in the housing sector, thus freeing resources for other social sectors such as education, health and basic sanitation. Indeed, larger numbers of dwelling units have been built than in the past and at less cost (both in terms of operation and investment) by modifying the structure of expenditure, i.e. by increasing investments as compared to operational costs. Under the current system, 168,000 dwelling units a year are being built as against 87,150 a year during the 1980s.

238. The importance attached by the Government to the social sector is reflected not only in the above figures, which reveal that greater resources are now being earmarked for it, but also in a large number of structural reforms, namely, decentralization, increased resources for municipalities under Law No. 60 of 1993, the creation of the National Joint Financing System, the targeting of specific groups, demand subsidies, and institutional reforms. All these reforms are designed to increase the effectiveness of public spending, in such a way that it not only benefits the poor but also strengthens the capabilities of the people as a whole, so that they can take advantage of the opportunities offered by increased economic growth.

III. REPORT ON SPECIFIC RIGHTS

A. Article 6

1. Employment and modernization

239. The National Constituent Assembly, in provisional article 20 of the present Political Constitution, provided that the State should be modernized to enable it to assume new functions, obligations and rights. It also stated that the private sector should participate to a greater extent in economic activities that were State monopolies. Consequently, the need arose to sell off public service industries and services to the private sector. This was done with two aims in view: the first was the resumption by the State of its real role of determining policies, while still retaining the option to intervene if necessary, and the second was the achievement of economic efficiency and consolidation of social programmes for the most disadvantaged segments of the population.

240. The principle of social justice was maintained in the Government's economic plan in order to strengthen various sectors economically and to develop policies with a high social component, especially at the regional and local levels and in those areas which for a long time have been deprived of benefits.

241. This is the policy framework within which the Government's main employment strategies have been developed.

2. Employment situation and policies

(a) Situation, level and trends in employment, unemployment and underemployment in Colombia

242. The application of the new development model has yielded positive results since the early 1990s. The most dynamic sectors of economic activity have been mines and quarries, with a growth rate of 14.2 per cent; construction with an average growth rate of 9.8 per cent; commerce, restaurants and hotels 4.5 per cent; and the manufacturing industry, not including coffee processing, where the growth rate rose from 3.91 per cent in 1992 to 5.61 per cent in 1993.

243. Similarly, after the first four months of 1994, according to the industrial opinion survey of the National Manufacturers Association (ANDI), a 4.4 per cent real growth rate was recorded in the sector's output. Real sales expanded by 5.6 per cent, and exports in terms of dollars increased by 7.4 per cent.

244. Mention should be made of the sharp rise in non-traditional exports, which increased by 12 per cent, from $3,566 million in 1992 to $3,981 million in 1993, and the expansion of exports in general by 8.5 per cent.

245. According to the National Administrative Department of Statistics (DANE) (national household survey in the seven main towns) employment in the manufacturing sector expanded slightly, its share increasing

from 23.44 per cent in 1990 to 23.61 per cent in 1992, which meant that 125,113 new jobs were created. Overall, 490,770 new jobs were created, the total average number increasing from 4,356,546 to 4,856,316 in the same period.

246. In summary employment during the past four years expanded, by 2.65 per cent, 6.09 per cent, 5.27 per cent and 1.31 per cent for the month of June in 1990, 1991, 1992, and 1993, respectively.

247. The process of opening up the economy did not create unemployment. This is confirmed by the following figures for the month of March over the last five years in the seven main towns which account for 35.3 per cent of Colombia's total population:

1990 = 10.1 per cent, 1991 = 10.7 per cent, 1992 = 10.8 per cent
1993 = 9.6 per cent, 1994 = March 10.3 per cent.

248. The new economic framework not only helped to improve the quality of employment in Columbia and create productive jobs, but also increased wages, the number of new jobs, worker productivity and incomes and brought about a steady decline in poverty.

249. However, the performance of the agricultural sector was more seriously affected during the past three years, owing to climatic conditions, insecurity and the decline in the international prices of the main export products. The growth rate of the sector, as a component of GDP, was negative: -0.1 per cent in 1992 but rising to 1.5 per cent in 1993.

250. As a result of the crisis in the agricultural sector, unemployment increased by 12 per cent in the rural areas, and left an additional 30,000 persons unemployed over the last three years.

251. To deal with this emergency, the Government introduced the Rural Job Creation Programme, and appropriated Col$ 62 million to create some 24,800 permanent jobs through community development projects such as roads, aqueducts and reafforestation.

252. During the present administration, the Office of the President of the Republic, through the Presidential Programme for Youth, Women and Family (PPJMF), formulated a national youth policy to promote the employment of young people, their personal development, and their participation in economic activities as well as in the country's institutions. The purpose of municipal youth offices is to ensure that State and private programmes and services are organized for young people and to promote and coordinate the implementation of the municipal youth policy. Development guidelines, requirements and possibilities are decided upon by each municipal administration.

253. Special mention should be made of the Government's effort to ensure that groups of women who have experienced the scourge of violence and have become unprotected heads of households and the handicapped receive special attention through employment policies and programmes.

254. Data supplied by DANE (National Household Survey) and surveys by the Regional Employment Programme for Latin America and the Caribbean in 1992 indicate that the highest unemployment rate exists among young people between 15 to 20 years of age, who accounted for 25.3 per cent of the unemployed at the beginning of 1992. Moreover, the segment of the population most affected includes the women in this age group, with an unemployment rate of 29 per cent, followed by those in the 20 to 29 age group, with an unemployment rate of 18.9 per cent compared with the national average of 10.2 per cent for the same period in the seven main towns of the country.

255. As regards the level of education and training, the number of unemployed persons in 1991 with a university education was 71,788, of whom 44,766 were women and 27,022 were men. The number of unemployed persons with a secondary education was 261,969, of whom 155,727 were women and 106,242 were men, and among those with a primary education 115,209 were unemployed of whom 61,259 were women.

256. This means that the most vulnerable group comprises young people and women, and it should be added that this group includes women heads of households. Population statistics are presented below:

TOTAL POPULATION IN SEVEN TOWNS
(in thousands)

March 1993

POPULATION	TOTAL	MEN	PERCENTAGE	WOMEN	PERCENTAGE
Total population	11 347	5 300	46.7	6 047	53.5
Economically-active population	5 191	2 950	56.8	2 241	43.2
Unemployed	501	196	39.10	305	60.9
Employed	4 690	2 753	58.7	1 937	41.31
Unemployment rate	9.8%	6.7%		13.8%	

* Source: DANE 1993.

257. The following consolidated data are available for March 1994:

Total population: 11,559,112;

Economically-active population: 5,309,592;

Employed: 4,762,582;

Unemployed: 546,740;

Unemployment rate: 10.3 per cent.

(b) Main policies applied and measures adopted to ensure access to employment

258. Adoption of the new legal system embodied in the Columbian Constitution of 1991 which provisionally authorized the Government to adapt the country's institutions to contemporary needs and requirements represents a major step forward in promoting efficient administrative management and streamlining the use of available resources, as being of fundamental importance in the consolidation of an efficient State that inspires confidence in its citizens and creates a new relationship between the Government and society.

259. This task implied the restructuring, amalgamation or, in some cases, the elimination of approximately 48 public entities, the creation of worker mobility and adaptation to the new demands of the labour market. As a result, the Government introduced the workers welfare programme as a suitable means of finding alternative employment for workers affected by this process, as will be explained below.

260. Furthermore, the scope of the modernization process opened up real opportunities for the private sector in the manufacturing and service sector, which through the privatization of various enterprises, most of which had been State monopolies.

261. The banking sector, the ports of Colombia, the postal and telephone services and the railways were all affected by the privatization process, as were industries engaged in salt production, and the State's share in the energy, fisheries, paper production and other sectors.

262. The Government's worker welfare programmes have provided workers with protection on the basis of the rights they had previously acquired and in accordance with the relevant legislation in force.

(i) Making the labour market more flexible

263. The ability to compete in international markets depended to a large extent on the removal of such legal and microeconomic obstacles to investment, industrial expansion and productivity as the retroactivity of unemployment benefits and the "punitive pension", which represented cost overruns protected by the old labour legislation.

264. These marginal costs prevented the creation of new jobs by reducing flexibility, increasing costs and raising a considerable amount of uncertainty concerning employers' obligations.

265. One result of this policy was the expansion of the informal sector to such an extent that less than one third of the labour force was protected by the system of economic benefits and a large part of it was deprived of even partial protection. The rest enjoyed State protection through the provisions of the Substantive Labour Code but experienced considerable instability, precisely because of labour costs. This category of workers constitutes the so-called formal employment sector.

266. The labour reform, based on Law No. 50 of 1990, repealed legislation which in practice reduced employment and labour stability, by requiring compulsory reinstatement instead of higher indemnization, the "punitive pension", which compelled the enterprise to assume responsibility for the pensions of workers dismissed after 10 years of service, and the retroactive payment of unemployment benefits.

267. These factors constituted almost invisible barriers to the expansion of the labour market, and had a negative impact on the performance of the economy and the creation of new jobs.

268. The present Law requires enterprises to pay off the balance of unemployment benefits each year and to open an account on behalf of the worker in an Unemployment Benefits Fund. These Funds may invest their resources on financial markets, at competitive rates of return. In order to ensure greater protection for employees, these operations are backed by the National Guarantees Fund for Institutions.

269. Similarly, the Labour Law clearly defines the concept of wages, eliminating any doubts about the obligations and rights of the parties, and the use of modern forms of remuneration such as bonuses, premiums and the full wage at certain levels.

270. Lastly, the reform requested new gains for the workers in respect of bargaining rights, and brings the country's legislation in line with the norms of the International Labour Organisation (ILO).

(ii) Promotion of entrepreneurial development

271. In Colombia job creation is being encouraged by the establishment of productive units with Government support, through the following policies and programmes:

(a) National Plan for the Development of Micro-enterprises 1991-1994. The aim of this plan is to increase the productivity of micro-enterprises, make their products more competitive, give them greater access to credit, make the marketing channels as effective as possible, and involve small units in the process of opening up the economy, in order to improve the incomes and the standard of living of their owners and workers. The plan envisages the following strategies: technical advice, training, technological development, credit, trade union organization and marketing. Since it was started, the plan has trained a total of 88,833 entrepreneurs and given advice to 52,750. One of its main programmes consists of setting up subsectorial productive development centres in the country's 10 largest cities. In the urban areas, it is estimated that, at the beginning of this decade, there were 1,200,000 micro-enterprises with 2,800,000 persons working in them, representing 22 per cent of total employment in the country and 38 per cent in urban centres. In 1992, employment in micro-enterprises represents 68 per cent of informal employment in the 10 largest cities. Out of a total of 5,092,267 jobs, there are 2,517,584 in the informal sector, and of these 1,711,957 are in micro-enterprises;

(b) Rural micro-enterprises. With the support of the former Ministry of Public Works and the United Nations Development Programme (UNDP), programmes have been launched to create employment for unskilled labour in the rural sector. Since 1993, 398 micro-enterprises have been set up. They create about 5,000 direct jobs and help to maintain in a satisfactory condition about 21,000 km of road, representing 84 per cent of the national road network;

(c) Small and medium sized enterprises. The small and medium-sized enterprise (SME) programme constitutes one of the main strategies for industrial development, participation in exports, and job creation. This is confirmation of development and potential of the SME and their increasing contribution to exports in recent years: 28 per cent in the 1980s and 33 per cent in 1993, according to the quarterly SME performance and opinion survey. The real importance of the sector lies in the fact that it provides nearly half the jobs in the manufacturing sector. In order to strengthen the SME, the following projects have been set up: the Industrial Modernization and Technological Development Fund, whose aim is to support improvement and technical assistance programmes in merchandizing, credit, marketing and management advisory services; the Technological Development Programme of the Colombian Institute for the Development of Science and Technology (COLCIENCIAS); and a regional information system for micro, small and medium-sized enterprises. Between January and April this year, the Industrial Development Institute (IFI) disbursed Col$ 8,430 million to help 274 enterprises. Realizing the importance of this sector for the economy and for job creation, the Government has adopted policies to encourage it, especially in obtaining credit. Through the IFI, it has set up rediscount lines to the value of Col$ 60 billion through the banking and financial system, for loans for working capital and the acquisition of assets, on rather favourable terms;

(d) Cooperative enterprises. These are governed by Act No. 10 of 1991 and their regulations are established in Decree No. 1100 of 1992. These enterprises are economic and productive units whose partners contribute their labour, skills and experience, as well as the necessary assets for setting up and operating the cooperative enterprise, in order to satisfy ordinary needs by producing and marketing basic domestic consumer goods or by providing individual or collective services. At present, 305 cooperative enterprises, duly registered with the Ministry of Labour and Social Security, have been established.

(iii) Administrative decentralization and regional development

272. The process of decentralization on which the country has embarked, in compliance with the National Constitution, has extended the autonomy of the regions, increased the transfer of resources and established that the regions are to be responsible for the execution of the Government's policies.

273. The new constitution has dispensed with the transfer of the value added tax (VAT), and instead, in its article 357 provides for the municipalities to receive a share of the nations current revenue, which will increase from 12 per cent in 1992 to 22 per cent in 2002. These resources must be allocated to regional and local investment for social purposes.

274. Furthermore, Act No. 60 of 1993 redefines the functions of the national Government and of the territorial entities and allocates resources for the discharge of those functions, basically through taxation and the participation of the municipalities in the nation's current revenue.

275. The Ministry of Labour and Social Security, in order to assist the decentralization process and to promote employment, improve the living conditions of the population, raise their income level and increase productivity, coordinates the establishment of regional inter-agency employment committees.

(c) Measures adopted to improve labour productivity

276. One of the fundamental reasons for the adoption of the system of opening up and internationalizing the economy was the need for more sustained growth in the medium term. The factors of production therefore have to be used efficiently, in order to obtain higher levels of productivity for both labour and capital. These indicators showed a steady decline from 1974 onwards and negative growth in the 1980s, when labour productivity stood at -0.7 per cent and multifactor productivity at -1.4 per cent.

277. The industrial rationalization programme has sought to reorganize and modernize the Colombian enterprise so that it can adapt its productive, administrative and commercial capacity to produce goods of the quality and at the prices required for its participation in the world market, thus achieving greater solidity and economic stability.

278. In order to consolidate this process, the national Government supported the rationalization programme by means of two policy instruments: the first was the opening up of trade by significantly reducing the duty on purchases of capital goods from abroad, the nominal tariff protection for this category of goods being cut from 18.3 per cent in March 1990 to 7.8 per cent in 1992.

279. The second instrument was the credit policy, which consisted of negotiating with the World Bank for new resources to modernize enterprises' production infrastructure. To that end, a loan from the Bank was negotiated in 1992 in the amount of US$ 200 million.

280. Within the framework of a new foreign investment policy seeking to encourage the internationalization of the economy and stimulate capital investment, a new statute regulating foreign investment was enacted, under which foreign investors enjoy the same conditions as national ones. Imports of capital goods increased by 72.1 per cent in 1993.

281. The national Government has promoted policies in many areas to increase productivity levels. Of these, special mention should be made of the tariff reform, which significantly reduced the costs of the raw materials and intermediate products consumed by the major production sectors. The tariff protection for these goods was lowered from 19.7 per cent in 1990 to 8.9 per cent in 1992. The main purpose of this strategy was to render the export sector competitive so that it became the driving force of economic and social development.

282. Other policies include appropriate technical and vocational training of human resources, which has improved greatly with the restructuring of the National Apprenticeship Service (SENA) and the modernization of the public sector, particularly in the areas which support the productive activities of private enterprise.

283. Through these policies, during the years following the opening up of the economy, there was a major change in the trend of national productivity which had had negative indicators in previous years. In 1993, the increase in factor productivity was of the order of 1.2 per cent and the increase in labour productivity 2.5 per cent.

284. Productivity, as a national policy, is vital to economic growth, job creation and the improvement of the social well-being of the working class.

(d) Provisions which guarantee the right to choose one's work freely and the fundamental, political and economic freedoms of the individual

285. Article 13 of the new Constitution provides that:

> "All individuals are born free and equal before the law. They shall receive equal protection and treatment from the authorities, and shall enjoy the same rights, freedoms and opportunities without any discrimination on account of sex, race, national or family origin, language, religion, political opinion or philosophy."

286. Article 40.7, second paragraph, directs the authorities to guarantee "the adequate and effective participation of women at the decision-making levels of public administration".

287. Article 43 establishes that:

> "Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During pregnancy and following childbirth, women shall be given special assistance and protection by the State and shall receive food subsidies from it if they should thereafter find themselves unemployed or without support.
>
> "The State shall give special support to female heads of households."

288. Article 53 provides that:

> "The Congress shall enact the labour statute. The relevant law shall take into account at least the following minimum fundamental principles:
>
> > "Equal opportunity for workers: minimum living wage and flexible remuneration proportional to the amount and quality of work; stability of employment; unwaivability of the minimum benefits established in the labour regulations; opportunities to negotiate and settle questions concerning uncertain and debatable rights; more favourable situation for workers in cases of doubt as to the

> application and interpretation of the formal sources of law; precedence for the actual facts of a situation over the formal positions adopted by those involved in labour relations; guarantee of social security, training, instruction and the necessary rest; special protection for women, mothers and workers under age.
>
> "The State guarantees the right to prompt payment and periodic adjustment of legal pensions.
>
> "The international labour conventions which have been duly ratified are part of domestic legislation.
>
> "The law, contracts, agreements and labour conventions may not impair the freedom, human dignity or rights of workers."

(e) Technical and vocational training programmes

289. To pursue the employment policy successfully on the basis of the new pattern of economic development means strengthening the most important factor in the process, human resources.

290. The national Government is adapting and adjusting the public higher education service, in application of the principle of promoting the development of the capacity and training of the individual in a comprehensive manner, so that he will be the key element of scientific, cultural, economic, political and moral development, at the national, regional and local levels. The Government has also restructured the agency responsible for the technical training of the labour force required by the productive sector.

291. The 1991-1994 Education Expansion Plan envisages the preparation of the labour force for the occupational changes that will be required by the internationalization of the economy and scientific and technological progress.

292. Within this framework, and at the initiative of the Ministry of Labour and Social Security, the Congress of the Republic passed Act No. 119 of 1994, which provides for the restructuring and modernization of the National Apprenticeship Service (SENA). SENA is responsible for the training and vocational guidance of human resources, with services such as employment management, placement and management consultancy through vocational training centres and technological services.

293. Act No. 119 of 1994 enables entrepreneurs and workers to participate actively, through their own cooperation mechanisms, which have an effect on the orientation and administration of worker training to make it more flexible and adaptable to fluctuations in demand and the changing requirements of the regional and local labour market. Innovation, the adaptation and generation of new technological developments, and decentralization of responsibilities are also important factors in the process of adjustment by this entity.

294. In labour matters, SENA is responsible for manpower management and placement at the national level, monitoring the labour market and facilitating the employment of unemployed persons. In the last four years, SENA, through its 25 regional units throughout the country, has assisted 700,000 persons, including students, apprentices, technicians and technologists.

295. The most important vocational training courses are in the areas of computer science, trade, business development, automobile engineering, construction, automation, micro-electronics and food processing technology. The courses are being overhauled with a view to revising their training modules and entering new areas, in order to meet the new demands expected in the new labour market.

(f) Difficulties in attaining the objectives

296. The structural adjustment resulting from the reforms described above reveals an imbalance in the labour market, which is normal in any transition process.

297. In order to deal with this situation, the national Government has planned some social and employment strategies for persons and enterprises affected in one way or another by these policies.

298. Comprehensive Manpower Adjustment Service (SALI). This service was put in place to assist private sector enterprises which have to restructure because of the internationalization of the economy. Its object is to reduce the social cost of the restructuring by directing redundant workers to new sources of work, through training, upgrading of their skills and/or retraining, or by avoiding the closure of enterprises through solutions agreed on by management and workers. The National Apprenticeship Service (SENA) was put in charge of executing this as a programme and allotted an initial amount of US$ 3 million. Although there have been some changes in the application of the programme, the results have been satisfactory.

299. Public Sector Manpower Adjustment Service (SAL-SP). As a result of the modernization of the State and of the application of transitional article 20 of the new National Constitution, the Manpower Adjustment Service (SAL-SP) was established by Decree No. 2151 of 30 December 1992. This agency seeks to offer new opportunities to those civil servants affected by the administrative reform of the different State bodies, helping them to gain access to the labour market or to undertake productive activities on their own account, by providing them with tools that will enable them to improve their qualifications and upgrade their skills. Three fundamental types of service are provided: training or retraining of workers, negotiation of and placement in new jobs and creation of independent employment. The Manpower Adjustment Service has been operating in 45 restructured State enterprises, from which 18,126 persons are likely to be made redundant. Of these, 12,407 have registered with the service (68.4 per cent), and to date, 4,389 cases, or 24.2 per cent, have been dealt with successfully. The programme is scheduled to last until 30 June 1995, by which time all the workers who have registered should have been assisted.

300. Local Employment Initiatives (ILE). In accordance with the decentralization process taking place in the country, the Ministry of Labour will support the municipalities through the local employment initiatives programme (ILE). Under this programme, employment is created by establishing private industrial or service enterprises, with support and co-financing from local sources, both public and private. Its aim is to promote, encourage and support initiatives that will create stable and productive employment, through the establishment of productive enterprises, whatever their form of organization, using idle or underutilized resources in the area or region.

301. Participatory Business Development (DEP). This is a programme based on a methodology for the strengthening of cooperative enterprises and is executed through international cooperation provided by United Nations bodies (UNDP-ILO) and through official agencies such as the SENA, the National Cooperative Department (DANCOOP) and the Colombian Agrarian Reform Institute (INCORA). Its purpose is to help with the development of cooperatives and job creation by setting up organizational structures that include management function, and production activities, especially in areas of critical poverty. It is hoped through this method to improve the incomes of the members, establish a new concept of the cooperative, involving investment and capitalization, increase competitiveness and create more jobs in the rural sector. Twenty assessment workshops have been held by the programme itself, in 12 departments for 754 cooperative members, and 100 workshops have been arranged on its behalf in 31 departments for 827 cooperatives with a total of 25,000 members. Work has also been done with 11 public bodies in 30 regions, 168 civil servants having been trained as facilitators.

3. Guarantees of non-discrimination in employment

(a) Equal opportunities and treatment in employment

302. Both the national Constitution and the labour legislation give all workers throughout the country equal protection, without distinction as to economic activity or occupation. The entire legislation rests on the principle established in article 13 of Colombia's new political Constitution:

> "All individuals are born free and equal before the law. They shall receive equal treatment from the authorities and enjoy the same rights, freedoms and opportunities without discrimination on account of sex, race, national or family origin, language, religion, political opinion or philosophy."

(b) Vocational guidance and training

303. In keeping with ILO recommendation No. 150 on Vocational Guidance and Vocational Training, the following programmes have been launched:

(a) Vocational guidance for the offices of the employment information system. This service consists of a series of facilities to help persons who have difficulty with their classification and placement in the labour market. It provides information on how the labour market operates, the salaries and wages paid in the area; it holds confidence-building workshops, prepares curricula vitae and plans job seeking strategies. This service is available in the 22 offices which SENA has nationwide;

(b) Vocational guidance sessions. Again in compliance with the recommendation No. 150, regional systems have been set up to inform secondary-school pupils about the range of possible occupations and their chances of getting a job. The programme content of these sessions is as follows:

1. Population structure and demographic trends in the region;

2. Establishment of the human resource needs by the twenty-first century, for each region;

3. Performance of eleventh-grade students in State tests, with emphasis on those areas in which their participation needs to be reassessed;

4. Formal and non-formal courses offered in the region, or through agreements with vocational or university training centres;

5. Description of the services which SENA offers high-school graduates through vocational training courses, work training services, vocational guidance services and business vocation programmes;

6. Loans and scholarships available;

(c) Vocational guidance and vocational training modules for professionals. These are currently available in the fields of architecture, social work, psychology, public administration, physiotherapy and occupational therapy. The purpose of these modules is to provide the future professional with information on the options of pursuing further studies or entering the labour market. They cover such matters as:

(i) Legal aspects of the profession (law and regulations governing exercise of the profession);

(ii) Code of ethics;

(iii) Information on specialization courses, master's degrees and doctorates which may be taken within the country and abroad (entry requirements, programme contents, prospects on completion, costs, etc.);

(iv) Description of the associations or trade unions for each profession: philosophy, goals, registration procedure, extension courses and events planned for the following calendar year;

(v) Methods of seeking employment with assistance or independently;

(vi) Information on the various national and international periodicals relating to each profession.

B. Article 7

1. Methods used to fix wages

(a) Fixing wages

304. The method most widely used to fix wages is the individual contract, in which the various forms of remuneration are agreed upon. There is also a collective bargaining system whereby the various wage-scales of unionized workers are adopted.

305. The wages of public servants are fixed annually, by government decree which specifies the allocations for posts according to category and, in the regional bodies, by their administrative organizations.

(b) Minimum wage

306. Article 147 of the Substantive Code of Labour Law, as amended by Act No. 50/90, sets out the procedure for fixing the legal minimum wage in the private sector as follows:

> Act No. 50/90 (amended), article 19:
>
> "(1) The minimum wage may be fixed by contract or collective agreement or by arbitration award.
>
> (2) The National Labour Council shall fix general minimum wages by consensus for any region or professional, industrial, commercial, stock-breeding, crop-farming or forestry activity in a specific region. Should the National Labour Council not reach a consensus, the Government may fix these wages by means of decrees which shall be valid for the period indicated in them.
>
> (3) For persons who work shorter periods than the legal maxima and earn the legal or agreed minimum wage, this wage shall be in proportion to the number of hours actually worked, excluding the special 36-hour working period.
>
> (i) The amounts of the minimum wages laid down by the Government by decree shall be binding; article 148 of the Substantive Code of Labour Law (CST) provides that the establishment of the minimum wage automatically amends labour contracts in which a lower wage is prescribed.
>
> (ii) The consumer price index shall be taken into account in fixing minimum wages, in accordance with the data supplied by the Government Statistics Office (DANE).
>
> (iii) The machinery established for fixing, adjusting and supervising minimum wages shall be the tripartite consensus between the Government, employers and workers, who form part of the National Labour Council.
>
> (iv) The minimum wages system shall be supervised by the departments of the Ministry of Labour and Social Security responsible for monitoring and supervising labour standards, by means of unofficial inspections of a preventive nature, or at the request of the persons concerned and with application of the sanctions provided for by law."

(c) Equal remuneration

307. Equal remuneration for equal work is substantively covered in article 143 of the CST, which prohibits inequality of wages on grounds of sex, age, nationality, race, religion, political opinion or trade union activities.

308. Under the specific legal provisions which prohibit discrimination against women, such as Act No. 51/81 and Statutory Decree No. 1298/90, and those contained in the Minors Code for the same purpose, the principle of equality of remuneration has to be generally observed; should breaches be detected, the Act provides for corrective measures to be applied through the systems of inspection and supervision by the labour authorities.

309. In the private sector employers apply various systems of performance assessment, while in the public sector assessment takes place at all career levels, requiring periodic assessments of the staff and competitive examinations for candidates for new jobs or promotion.

310. Both in the public and in the private sectors, wage-earners receive, in addition to their financial remuneration, other related benefits such as the rights to job security, social security, recreation and education, the last-mentioned through programmes designed by the Family Compensation Funds.

2. Legal and administrative provisions concerning minimum conditions for health and safety in the workplace

311. Colombian law contains a number of instruments which govern the basic conditions for health and safety at work. The following are the main instruments:

(a) Substantive Code of Labour Law, which establishes the conditions for basic industrial health, particularly in articles 57, 58, 108, 205, 206, 348, 349, 350, 351 and 352;

(b) Act No. 9 of 1979, also known as the National Health Code. In title III, this Act lays down the minimum environmental conditions which must obtain in workplaces with respect to physical, chemical and biological agents. It specifies the general conditions for the organization of occupational health in the workplace and for safety in relation to machinery, tools, boilers, receptacles, ovens and other industrial equipment, and transport and storage;

(c) Decision No. 2400 supplements the regulations relating to the above legislation, specifying basic health and safety provisions in the following areas: conditions which must be observed in buildings used as workplaces, general standards concerning hazards in workplaces, working clothes and personal protective devices, the colour code applicable to industrial safety, fire prevention, handling of explosives, and safe handling of machinery and industrial equipment in general;

(d) Decision No. 2413 sets safety standards in the construction sector.

312. In order to comply with these provisions, Colombia undertakes advisory, supervisory and monitoring activities through the Ministries of Labour and Health and the Social Security Institute. These bodies are coordinated through the national and sectional occupational health committees, which are responsible for coordinating the activities of State bodies and include among their members representatives of workers and employers.

313. The areas in which shortcomings in the implementation of standards are to be found are the informal and agricultural sectors, where profitability, the introduction of production technologies and access by the monitoring and supervisory authorities are somewhat haphazard.

Social Security Institute

OCCUPATIONAL DISEASES DIAGNOSED BY OCCUPATIONAL HEALTH AUTHORITY

1988-1992

Year	Sickness per 10,000 members	No. of occupational diseases diagnosed	Members (thousands)
1988	3.48	858	2 462
1989	3.55	909	2 559
1990	3.83	1 025	2 672
1991	3.65	1 037	2 835
1992	3.88	1 214	3 221

314. Annex 1 gives a report broken down according to the distribution of diseases by region, occupational pathology and a number of demographic variables.

315. As regards industrial accidents, the Social Security Institute reported a total of 100,481 accidents nationally for 1991, and 112,484 for 1992.

316. With the promulgation of Act No. 100 of 1993 concerning the social security system, the country hopes in the short term to modify the handling of occupational risks at the national level. At the present time the regulations for this Act are being prepared.

3. Right to rest

317. Article 172 of the CST, as amended by article 25 of Act No. 50 of 1990, requires the employer to give all workers 24-hours paid rest on Sundays and holidays (Act No. 51/83, art. 1).

318. The legal maximum duration of a working day is 8 hours and a working week 48 hours in all private undertakings. A new provision sets the maximum duration of the working day by mutual agreement between the parties at 10 hours, no overtime being worked on that day (Act No. 50/90, art. 22), so as to enable workers to rest on Saturdays.

319. The CST includes the right to holidays in article 186, whereby a worker who has been employed for a year has the right to enjoy paid rest for 15 consecutive working days, and a proportion of this time per six-month period if his contract ends without his having taken days off.

320. Article 177 of the CST, as amended by Act No. 51 of 1983 (art. 1) gives as holidays with the right to paid rest a number of civil and religious holidays, remuneration for which follows the same system as for Sunday rest. The following exceptions to the general rule exist (CST, art. 175, as amended by Act No. 50/90, art. 27):

(a) Technical services which cannot be interrupted;

(b) Work intended to meet urgent needs, such as public services and the sale and preparation of drugs and food;

(c) Domestic service and work of private drivers.

A fourth exception is set out in article 27 of Act No. 50/90, amending article 175 (b) of the CST, concerning the 36-hour work period provided for in article 20 (c) of the Code, when workers have the right only to paid compensatory rest.

Exceptions relating to the duration of the working day

321. In work which is particularly unhealthy or dangerous, the Government may order the working day to be reduced in accordance with relevant reports. The legal maximum duration of a minor's working day is subject to the following rules: minors between the ages of 12 and 14 may only do light work for a maximum of 4 hours per day and 24 hours per week; minors between the ages of 14 and 16 may only work a maximum of 6 hours per day and 36 hours per week; minors between 16 and 18 may not work more than 8 hours per day or 48 hours per week. In factories or new activities established since this law came into force, the employer and workers may on a temporary or indefinite basis agree to organize successive shifts, allowing the enterprise or sections of it to operate continuously every day of the week, provided that the respective shifts do not exceed 6 hours per day or 36 hours per week. In this case, no night, Sunday or holiday overtime is payable; the worker will earn the wage corresponding to the ordinary day's work, which must always conform to the legal or agreed minimum wage, and will have the right to a paid rest day. The employer may not, even with the worker's consent, contract him to perform two shifts on the same day, except on supervisory, executive, confidential or management work.

322. Exceptions for holidays: Exceptionally, holidays are provided for after a shorter period of service in the case of professional and other staff employed in private anti-tuberculosis establishments who work with X-rays; they have the right to 15 days' paid holiday for every six months of service (CST, art. 186, para. 2). In educational establishments, the statutory holidays during the school year are paid; where they exceed 15 days, legal holidays are excluded (CST, art. 102, para. 2). Labourers or construction workers have the right to paid holidays of 15 consecutive working days for

each year of service and proportionally for each part of a year when they have worked for at least one month. Workers under 18 have the right to 20 consecutive working days of paid holiday for each year of service, their holiday to coincide with the school holidays. Since they are hired for less than a year, fixed-term workers have the right to holidays in proportion to the time worked (CST, art. 46, as amended by Act No. 50/90, art. 3).

C. Article 8

1. Conditions for establishing trade unions

323. In Colombia, there are no special legal provisions in labour law for establishing trade unions by categories of workers, although article 353 of the CST and article 39 of the Constitution equally guarantee the right to form associations or trade unions, without taking into account categories of workers, all of whom are equal in the eyes of the law.

324. Article 39 of the Constitution and article 414 of the CST place restrictions on the exercise of the right of association by police officers. With this exception, other workers are free to join any trade union, in accordance with article 358 of the CST as amended by Act No. 50 of 1990.

325. In accordance with article 353 of the CST, trade unions in Colombia are free to amalgamate or form federations, or to found international organizations or become members of such organizations.

326. There is a partial restriction on civil servants' trade unions, which may not submit petitions or negotiate collective agreements; they may only submit position papers, in accordance with articles 414 and 416 of the CST. Trade union leave for the exercise of their activities is restricted in the case of these trade unions and those of government officials.

327. Details of trade union membership in Colombia are given below:

1990:	2,265 trade unions	880,155 members
1993:	2,817 trade unions	912,208 members

2. Right to strike

328. The current Constitution fully guarantees the right to strike. In article 56, in the chapter on social, economic and cultural rights, it states that the right to strike is guaranteed, except in essential public services defined by law. As a result, regulations concerning the right to strike are included in the Substantive Code of Labour Law and in Act No. 50 of 1990.

329. The exercise of the right to strike is restricted in the case of State workers' trade unions, which, although having the right of association with the same prerogatives as private-sector trade unions, cannot declare a strike; this restriction is contained in articles 414, 415 and 416 of the Substantive Code of Labour Law. The application of these restrictions has been accompanied by corresponding legal regulations which classify organizations made up of civil servants and official workers as exceptions to this right.

330. Article 430 of the Substantive Code of Labour Law states that:

> "In conformity with the Constitution, strikes are prohibited in the public services.
>
> For this purpose, a public service is considered to be any organized activity intended to meet general needs on a regular and continuous basis, in accordance with a special regime, whether performed directly or indirectly by the State or by private individuals.
>
> The following activities, inter alia, accordingly constitute public services:
>
> (a) The activities of any of the branches of public authority;
>
> (b) Transport company activities by land, water and air, and activities involving aqueducts, energy and telecommunications;
>
> (c) The activities of health institutions of all types, such as hospitals and clinics;
>
> (d) The activities of charitable and benevolent social assistance institutions;
>
> (e) The activities of dairies, markets and slaughterhouses, whether State-owned or private;
>
> (f) All urban refuse-collection and street-cleaning services;
>
> (g) Activities involving the processing, refining, transport and distribution of oil and its derivatives, when they are intended for the normal supply of fuel in Colombia, at the Government's discretion."

3. A new constitutional framework for the protection of labour rights

331. The constitutional reform of 1991 encouraged the development of the right of association; the legal provisions governing this right were upgraded in that they were included in the Constitution and cannot be amended or repealed except constitutionally.

332. Similarly, the Constitution stipulates that duly ratified international labour conventions form part of domestic law.

333. Under article 53 of the new Constitution, a new labour statute is to be promulgated, embodying a number of principles derived from international labour law and for the most part already contained in domestic legislation.

334. Article 39 of the Constitution, which lays down the right to set up trade unions without State intervention, forms part of the chapter on fundamental rights. The sole restriction is that contained in article 8 of the Covenant, which provides that their internal structure and functioning are subject to the law and to democratic principles.

335. Act No. 50 of 1990 broadens the concept of labour law, strengthens industrial organizations and gives trade unions the possibility of holding meetings in each of the municipalities in which they have members, so as to guarantee their participation in the domestic decisions of the trade union organizations.

D. Article 9

1. Characteristics of the social security system and scope of its benefits

336. With the implementation of Act No. 100 of 1993 on the new comprehensive social security system in respect of health and pensions, the social security system which had existed in Colombia for more than 40 years has been completely transformed. This institution had been showing signs of deterioration and social inequality, and it was therefore decided to reform a system which was only able to cover some 21 per cent of the population, compared with an average of 45 per cent in Latin America as a whole.

337. The new comprehensive social security system represents a group of institutions, provisions and procedures available to the individual and the community to protect them against the financial and health risks which arise during their lives.

338. The comprehensive social security system for health will entail the establishment of a system of "demand subsidies" for the poorest sector of Colombia's population, expansion of coverage, and elimination of the existing duplicity and unfairness. This new system will provide a comprehensive service plan known as the "Mandatory health plan", which will be available to a growing number of beneficiaries depending on the availability of resources, without establishing classifications according to socio-economic capacity. This plan will do away with the concept of public assistance, and will strengthen that of solidarity and social security.

339. In addition, the system covers all types of care and all pathologies with the essential technologies available in Colombia, and gives priority to activities to promote health and prevent illness.

340. The machinery for financing the new social security (health) system replaces the present supply subsidy by a "demand subsidy". It introduces incentives to overcome areas of inflexibility and to provide a more expeditious response to people's needs. It also creates new sources of finance, such as the proportion of the additional resources which the regional bodies will receive as from 1997 (as shares and transfers from income tax on the output of the oil companies in the area of Cupiagua and Cusiana), resources from family subsidy revenues, financial returns on the income derived from the transfer of shares, and State participation in public or semi-public enterprises, resources from tax on the profits of oil companies from production in Cusiana and Cupiagua, a contribution based on the value of the annual premium established for the compulsory traffic accident insurance, and a social tax on weapons and ammunition.

341. Prior to Act No. 100 on pension reform, the workers' contributions went into a common fund out of which pensions were paid; the State held a monopoly, and the ISS and the Social Security Funds were the only bodies which received contributions and paid pensions. There was no contribution subsidy. In the previous system, the number of pensioners vis-à-vis the number of members increased constantly. In the course of time, contributions would not have been sufficient to pay pensions, because of the discrepancy between contributions and benefits.

342. With the new pension system, two plans have been set up: the mutual average-premium plan with defined benefit and the mutual individual savings plan.

343. Before going into details about each plan, it should be noted that in the new pension system membership is mandatory for persons bound by a labour contract or a contract as a public servant and for groups who receive subsidies through the mutual pension fund. For self-employed workers and, in general, for all persons residing in Colombia, including aliens who are not covered by a plan in their country of origin and Colombians domiciled abroad, membership is voluntary.

The mutual average-premium plan with defined benefit is administered by the Social Security Institute and the welfare funds authorized by the national Government. In order to be a beneficiary, a member must have contributed for at least 1,000 weeks and have reached the age of 60 in the case of men and the age of 55 in the case of women up to the year 2014, when, in accordance with a prior study on life expectancy, the age requirements may be increased. The basic income for the calculation of the pension, except for the provisions set out for the transitional scheme, will be the updated average earnings declared during the 10 years preceding consolidation of the pension right, or the average of declarations during an individual's entire working life, if the latter is greater than the former. The amount of the pension is equivalent to 65 per cent of the basic wage on retirement with 1,000 weeks of contributions, as from which it rises to a ceiling of 85 per cent with 1,400 weeks.

344. The mutual individual savings plan will be administered by the pension management companies organized for the purpose, which may be of public, private or semi-private origin or originate in the mutual sector. The amount of the pension in this case will be the result of combining the amount of the mandatory and voluntary contributions deposited in each individual account and their financial yield. In order to obtain a pension under this plan, compliance with the age requirement and number of weeks of contributions is not mandatory. If the individual account guarantees a pension of more than 110 per cent of the minimum wage in force when the benefit is requested, the member may take his pension without meeting any other requirement. The law provides for a minimum guaranteed pension for members who have not accumulated the necessary capital in their individual savings account to obtain a pension. For such cases the member must have contributed for 1,150 weeks and have reached the age of 62 in the case of a man and 57 in the case of a woman.

345. Provisions common to the two plans:

(a) Under neither plan can a pension be less than the legal minimum wage in force;

(b) The amount of the contribution will be 13.5 per cent as from 1996, with an adjustment period of two years; the rate is 11.5 per cent in 1994 and 12.5 per cent in 1995, of which 75 per cent is payable by the employer and 25 per cent by the worker;

(c) Members who earn more than four times the minimum wage will contribute an additional percentage point to the mutual fund to extend the coverage created by the new Act;

(d) The Act allows the member free choice both in selecting his plan and as regards the institution he wishes to join;

(e) The member may switch from one plan to another every three years. Under the individual savings plan he has the possibility of changing his pension management company once every six months.

2. Branches of social security covered by Colombian legislation

346. Colombian legislation provides for all branches of social security as referred to in the revised general guidelines of document E/C.12/1991/1.

(a) Medical care

347. All employers are required to enrol their workers in a health plan comprising full medical coverage, prevention, promotion, care and rehabilitation. Act No. 100 concerning social security set up the National Social Security System for Health, which guarantees medical care for all workers and, over a transitional period, care for their families. The Act provides that any employer who infringes this obligation is liable for any assistance benefits caused, without prejudice to imposition of the relevant penalties.

348. Characteristics: The mandatory health plan is available to workers in the public and private sectors and must guarantee comprehensive coverage of persons affiliated to the plan.

349. Benefits: Promotion, prevention, care and rehabilitation for members and, under the transitional provisions, their families.

350. Nature and level: Care for the active and pensioned worker during the period of his contributions and for a further two months in the event of the expiry of his contract.

351. Financing: This takes the form of a percentage contribution based on the value of the wage, shared between employer and worker (the former contributes two thirds and the latter one third).

352. As mentioned previously, through a mutual system which seeks to guarantee total coverage, it is possible to join the plan by means of a subsidy of up to 50 per cent of the value of the contribution.

(b) Cash benefits in cases of sickness

353. The following financial benefits are guaranteed:

(a) Disability payments for ordinary and occupational sickness;

(b) Compensation in the event of partial or total loss of fitness for work or death of the worker; and

(c) Pensions in the event of industrial accident or occupational sickness.

354. Characteristics: Payment of a percentage of earnings for the period of disability, not exceeding six months in the case of ordinary sickness.

355. Benefits: Disabilities due to ordinary or occupational sickness, compensation for industrial accidents or occupational sickness, and pensions for loss of fitness for work due to occupational risks.

356. Nature and level: These benefits will be granted to the worker or, in the event of death, his beneficiaries.

357. Financing: These benefits are acquired through contribution to the health plan.

(c) Maternity benefits

358. The social security (health) system guarantees women workers maternity assistance and the payment of maternity leave for a period of 12 weeks.

359. Characteristics: Prenatal and post-natal medical care and care of the child up to the age of 1 year (and up to 18 years when family coverage comes into force), and payment of maternity leave for a period of 12 weeks.

360. Benefits: Care of the mother and child, and guarantee of 12 weeks' care of the newborn child.

361. Nature and level: All women members of the plan and, where family coverage is in force, the wives of workers who are members of the plan.

362. Financing: Benefits are acquired through contribution to the health plan.

(d) Old age benefits

363. Characteristics: As mentioned some lines previously, two plans have been established in the general pensions system, with different requirements for granting benefits. The average-premium plan with defined benefit lays down age and contribution-period requirements. The age for women is 55 and for

men 60, with a minimum contribution period of 1,000 weeks. In the mutual individual savings plan, the only requirement is that the capital accumulated in the individual savings account should be sufficient to obtain a pension of 110 per cent of the legal minimum monthly wage in force.

364. Beneficiaries: Members who meet the requirements mentioned above are beneficiaries.

365. Nature of the benefit: This benefit is for life and comprises successive payments.

366. Level of the benefit: Under both plans, it may not be less than one current legal minimum monthly wage; under the average-premium plan with defined benefit, it may not exceed 20 times the current legal minimum monthly wage. The amount of the benefit in the latter plan depends on the number of weeks of contributions; for 1,000 weeks, it amounts to 65 per cent of the basic income on retirement, and for 1,400 weeks it is 85 per cent which is the ceiling.

367. Financing: The employer and the worker contribute proportionally (75 per cent for the former and 25 per cent for the latter). The total contribution to cover the old-age pension, common risk disability and survivors' pension, and funeral assistance, in addition to administrative costs, is 11.5 per cent for 1994, 12.5 per cent for 1995 and 13.5 per cent for 1996. Of this, 8 per cent in 1994, 9 per cent in 1995 and 10 per cent in 1996 are earmarked for financing the payment of the old-age pension.

(e) Common risk disability benefits

368. Characteristics: The requirement is the loss of 50 per cent or more of fitness for work as a result of illness or an accident of non-work-related origin. If the person is a member of the plan when the disability occurs, he must have contributed for at least 26 weeks; otherwise, these contributions must have been made during the immediately preceding year.

369. Beneficiaries: Active or non-active members who meet the above requirements.

370. Nature of the benefit: This is a financial benefit recognized for the entire duration of the disability and subject to review every three years.

371. Level of the benefit: It may not be less than one current legal minimum monthly wage, nor exceed 75 per cent of the basic income on separation. When disability is 50 per cent or more, or less than 66 per cent, of fitness for work, the amount of the benefit will be 45 per cent of the basic income on separation, with a 1.5 per cent increase for every 50 weeks accredited after the first 500. If the loss of fitness is greater than 66 per cent, the amount of the benefit will be 54 per cent of the basic income on separation, increased by 2 per cent for every 50 weeks over the first 800.

372. Financing: Workers contribute 25 per cent and employers the remaining 75 per cent. Of the total contribution, 2 per cent is earmarked to cover the insurance premiums for the common risk disability and survivors' pension.

(f) Common risk survivors' benefits

373. Characteristics: These benefits go to the family which is financially dependent on the member or pensioner. In the case of a member, he must have contributed for at least 26 weeks to the plan at the time of death, or the same number of weeks in the immediately preceding year if he was not a member.

374. Beneficiaries: Direct beneficiaries for life are the spouse or the surviving permanent partner (male or female) and disabled children, for such time as the disability continues. Other beneficiaries of the survivors' pension are children under 18 years of age and those over 18 years of age but under 25 who are unfit for work, provided they are financially dependent on the person in question. If no such beneficiaries exist, the parents of the deceased will be alternative beneficiaries if they depended on him financially.

375. Nature of the benefit: This is a life benefit for some beneficiaries and a temporary benefit for others.

376. Level of the benefit: It may not be less than the current legal minimum monthly wage, nor greater than 75 per cent of the basic earnings of the deceased at the time of separation. If the deceased was a pensioner, the benefit will be 100 per cent of the pension he received. The amount of the pension of survivors of the deceased will be equal to 45 per cent of the basic earnings at the time of separation, increased by 2 per cent for every 50 additional weeks after the first 500 weeks of contributions.

377. Financing: 2 per cent of the total contributions mentioned under the old-age benefit.

(g) Family benefits

378. Article 163 of Act No. 100 of 1993 states that:

> "The Mandatory Health Plan shall include family coverage. For these purposes, the husband or wife or the permanent partner (male or female) of the member shall be the beneficiary of the plan provided that their union has lasted for more than two years; also children under 18 of either of the two spouses who are part of the family group and depend financially on it; children over 18 years of age with a permanent disability or those under 25 years of age, if they are full-time students and depend financially on the member. In the absence of a spouse, permanent partner (male or female) and children with entitlement, family coverage may be extended to the unpensioned parents of the member if they are financially dependent on him.
>
> Paragraph 1. The National Government shall establish regulations on the inclusion of children who are eligible for family coverage owing to their permanent disability.
>
> Paragraph 2. All children born after this Act comes into force shall automatically become beneficiaries of the institution for the promotion of health of which their mother is a member. The General Social Security (Health) System shall recognize the said institution's unit of payment by capacitation, in accordance with the provisions of article 161 of this Act."

(h) Unemployment benefit

379. Although payment of an unemployment allowance is not traditional in Colombia, article 263 of Act No. 100 of 1993 states:

> "The regional bodies shall be authorized to establish and finance unemployment allowance plans from their own resources."

3. Social security and private bodies

380. The establishment of the institutions for the promotion of health and the implementation of the new financing machinery for the provision of health services have led the system to create a new group of bodies: the institutions for the promotion of health, the Mutual and Guarantee Fund, and the direct providers of services.

381. The institutions for the promotion of health (EPS) will be responsible for providing the health services set out in the Mandatory Health Plan and the system will accordingly grant them a per capita payment.

382. The health service institutions may be legal entities, hospitals, health centres, associations of professionals, cooperatives or simply independent professionals who make a contractual agreement with the institutions for the promotion of health to provide services. This is a form of user-owned institutions for the promotion of health.

4. Vulnerable groups and women under the new social security system

383. With the reform of the social security system, it is hoped to solve not only the problem of low coverage but also, and more especially, the coverage of the neediest and most vulnerable groups, including needy women during pregnancy and after birth, abandoned nursing mothers, babies under the age of one, disabled persons, needy peasants and elderly persons.

384. As has been explained, the Mutual and Guarantee Fund guarantees solidarity and equitable distribution of the benefits of the system, so as to balance differences in income, cost and epidemiological risk between regions and groups.

E. Article 10

1. Conventions and reports

385. Colombia ratified the Convention on the Rights of the Child by the adoption of Law No. 12 of 22 January 1991 and submitted the required report to the Committee on the Rights of the Child on 23 April 1993. The information it contains supplements that presented here.

386. Moreover, Colombia gave effect to the Convention on the Elimination of All Forms of Discrimination against Women by the promulgation of Law No. 51 of 1981 and Decree No. 1398 of 13 July 1990. Its second and third reports were submitted on 23 August 1993. The information they contain is supplemented by that given below.

2. The concept of "family" in Colombian society

387. In Colombia the family forms a complex and diverse unit which may be constituted in various ways, namely, as when an adult (father, mother or substitute) assumes responsibility for the care of the children, when it is organized in the form of clans, (a common feature among the indigenous inhabitants) or when it is structured in other ways.

388. The heterogeneity of families as regards structure, composition and organization is determined by historical, demographic, economic, political, social, cultural and educational factors.

389. In Colombia the family is a social institution and the State, in regulating its various aspects, recognizes its social importance.

390. According to the 1991 Constitution, "The family is the basic nucleus of society. It is formed on the basis of natural or legal ties, through the free decision of a man and a woman to contract matrimony or through the responsible resolve to comply with it." (art. 42).

3. Age of majority

391. The age of majority in Colombia was fixed at 18 by Law No. 27 of 1977, article 1 of which states that, for all legal purposes, a person attains the age of majority or full legal age on his eighteenth birthday.

392. In accordance with articles 28 and 165 of the Minors Code, a minor attains the age of majority at 18, for both civil as well as criminal purposes.

4. Protection of the family

(a) Guarantee of the right to free consent in constituting a family

393. In 1973 Colombia concluded a new concordat with the Holy See (approved by Law No. 20 of 1974), which recognized the right of catholics to choose between civil or religious marriage, without incurring apostasy. Subsequently, Law No. 1 of 1976 recognized the possibility of divorce in the case of civil marriage. Moreover, the new Constitution recognizes the civil effects of religious marriages as well as the fact that the civil effects of any marriage, including a de facto union, may be terminated by divorce. These constitutional provisions were regulated by Law No. 25 of 1992.

394. Consent is stated to be the fundamental requirement that must be met if a marriage is to be valid and have effect. By consent is meant a declaration of the desire of the future spouses to enter into marriage. Such consent must be expressed clearly and explicitly, unconditionally, and in a clear and audible voice. Deaf mutes must express their consent by means of signs and signals that do not leave their desire to enter into marriage in any doubt.

395. The marriage contract is prepared and concluded on the basis of the free and mutual consent of the spouses.

(b) Integral protection of the family

396. The State recognizes, without any distinction whatsoever, the primacy of the inalienable rights of the individual and protects the family as the basic institution of society (art. 5 of the 1991 Constitution).

397. The State and society guarantee the integral protection of the family. The family's patrimony may, by law, be declared inalienable and not subject to distraint. The honour, dignity and intimacy of the family are inviolable.

398. Family relationships are based on the equality of rights and responsibilities of the spouses and on reciprocal respect between all family members. Any form of violence in the family is regarded as destructive of its harmony and unity and is punished in accordance with the law.

399. Children born within or outside the marriage, adopted, or engendered naturally or with scientific assistance enjoy equal rights and responsibilities. Responsible progeniture is regulated by the law.

400. The spouses have the right freely to decide in a responsible manner the number of children they have and must support and look after them so long as they are under age or if they are disabled.

401. The various forms of marriage, the age of marriage and legal capacity to enter into marriage, as well as the rights and responsibilities of the spouses, their separation and the dissolution of marriage are regulated by civil law. Religious marriages have civil effects under the conditions laid down by law.

402. The civil effects of any marriage cease after divorce in accordance with civil law.

403. Decisions declaring a religious marriage to be null and void issued by the authorities of the religion concerned under the conditions laid down by law also have civil effects.

404. Matters concerning the civil status of persons and the resulting rights and responsibilities are regulated by law.

405. The Constitution establishes principles that regulate the responsibilities of the State and society in connection with the organization and protection of the family. Under the Constitution, "The State protects the family as the basic and fundamental institution of society and guarantees the integral protection of the family and the primacy of the right to life."

406. De facto families, called "de facto marital unions" are also recognized by law.

407. In summary, it is to be understood that the family is constituted by natural ties, de facto unions or by marital or legal links.

(i) National family welfare system

408. Colombia has a National Family Welfare System (SNBF). Its cornerstone is the Colombian Family Welfare Institute (ICBF), set up by Law No. 75 of 1968 as a public body under the Ministry of Health. In November 1989, Decree No. 2737 promulgated the Minors Code, which enlarged the functions of ICBF relating to the protection of delinquent minors. In 1990 the Ministry of Health was restructured by Law No. 10a and Decree No. 1471. The functions of ICBF were thereby amended so that it now promotes and strengthens the integration and harmonious development of the family and protects minors and guarantees their rights. This new legal framework emphasizes the responsibilities of the parents and describes the activities of the Institute as being of an auxiliary nature in the context of community participation and not a substitute for the responsibilities of the family. The same Decree stated that persons to be given priority were those in the most vulnerable socio-economic, nutritional, psychological and emotional or moral situation, as well as in the irregular situations referred to in the Minors Code.

409. In order to ensure the proper performance of these functions, ICBF coordinates the activities of the National Family Welfare System (SNBF) established by Law No. 7 of 1979. SNBF's intention is to make maximum use of the System's existing service networks in order to increase coverage and integrate services, thereby rationalizing costs and expenditure and supplementing programmes by the addition of new components that improve their quality and expand their coverage. In the private sector, 68 Family Allowance Funds and all the religious, political and other non-governmental organizations whose activities are geared to family needs belong to SNBF.

410. ICBF has its headquarters in the country's capital and 26 regional offices scattered about the country. These regional offices in turn comprise 190 zonal centres situated in the larger towns of each region.

411. ICBF's programmes are important not only at the national but also international level. The Colombian scheme has been used as a model for various developing countries, since it offers services in an innovative manner and uses appropriate technology with the result that due attention can be paid to nutritional matters; the Government has undertaken to accord priority to this area through its espousal of the aims of the World Summit for Children and its Plan of Action.

412. Community Welfare Homes: The persons covered by the Community Welfare Homes Programme are families with children between two and six years of age constituting a marginal population regarded as living in extreme poverty and poor. According to the National Welfare Homes Survey of 1992, 75 per cent of households making use of the services offered by the Community Welfare Homes Programme are poor (63 per cent in the large towns and 83 per cent in rural areas). The Community Welfare Homes Programme has achieved a very considerable increase in its coverage, from 731,051 children in 1990 to 1,286,630 in 1994 - thus exceeding the goal of 1 million children receiving assistance as fixed in the Development Plan. The fact that the Programme has been expanded to such an extent reflects Colombia's desire to promote schemes providing extensive coverage and having a major social impact.

413. In addition, loans in the amount of Col$ 11,860,000 were granted to 24,583 "community mothers" between 1991 and 1993 for the modernization of housing and Col$ 1,216,000 was appropriated for the same purpose in 1994; the training of "community mothers" is also continuing with a view to improving the quality of the Programme. The amount of health care provided to children covered by these programmes was also increased considerably.

414. It is important to continue promoting such programmes and to make the Institute's programmes more accessible to poor families with children under seven. Recent studies suggest that the cost/benefit ratio should be improved so that coverage can be further increased.

415. Family, Mother and Child (FAMI): Between 1990 and 1994 the Community Welfare Homes Programme was radically modified by the extension of coverage to children under two years of age as well as to pregnant and nursing mothers living in poverty. The Programme's target population consisted of 245,000 children under two years of age and 280,000 pregnant women. The number in fact covered was 331,434 children under two years of age and 321,039 mothers, which reflected the fulfilment of the goals fixed by 135.3 per cent and 114.7 per cent respectively. The children received nutritional care and supervision as well as early stimulation and health care. Pregnant and nursing mothers were covered by educational projects.

416. Nursery schools: Community Nursery Schools - a new form of assistance - were introduced in 1993. They are operated within the community and run by a group of mothers with the help of a professional. So far, 52 such schools have been established. The purpose of this new programme was to introduce additional and alternative forms of assistance and in particular to improve the quality of the care provided and to offer various kinds of assistance over and above mere care for the child.

417. Nursery Homes: In addition to the above forms of nutritional assistance and prevention which have the greatest impact on the poor and are of the greatest significance for the Institute, the next most important form of care is provided by Nursery Homes (CAIPS) which, although introduced in 1977, have proved to be a costly alternative with little possibility of expansion and do not focus so much on the needs of groups living in poverty. Nevertheless, various studies have revealed the possibilities of this programme as a form of appropriate technology that could be used in other comprehensive child-care programmes.

418. CAIPS coverage has declined slightly owing to the need to expand more cost-effective social programmes. Specifically, the number of children covered declined from 197,816 in 1990 to 161,671 in 1993. Nevertheless, new financing and care strategies are being explored for these programmes with a view to increasing their impact. During the initial stages of this Government 98 per cent of the Nursery Homes' budget was financed by the Institute, but at present new sources of financing are being sought, with the result that the corresponding figure is now 82 per cent.

419. School canteens: The number of children catered for by school canteens increased considerably during the period 1990-1994, meals being provided for 1,559,477 in 1990 and 2,043,671 in 1993; similar coverage is anticipated

in 1994. This represents an increase of 31 per cent, which meets the goal of catering for 2 million children proposed in the Development Plan for 1994. This programme covers children attending State schools and therefore guarantees that it is benefiting the poor.

420. Although nutritional goals have been reached, results can be improved by the restructuring of the Institute; this would entail decentralization, modernization of its management, increasing its efficiency, setting forth clear-cut conditions for contractual arrangements with the private sector and tackling the labour problem with "community mothers".

(ii) Presidential Programme for Youth, Mothers and the Family

421. The Presidential Programme for Youth, Mothers and the Family was introduced under this Government in pursuance of the provisions of the 1991 Constitution (art. 42) concerning the rights of the family and Decree No. 188 which assigns to the President of the Republic the basic obligation "to guarantee the rights and freedoms of all Colombians".

422. The Administrative Department of the Office of the President of the Republic was accordingly reorganized and Directorates of Presidential Programmes created by Extraordinary Decree No. 1680 of 1991. These Directorates are responsible for shaping, coordinating, supervising and implementing programmes which, owing to their specific characteristics, should, in the view of the President, be implemented temporarily through or directly under the control of the Office of the President of the Republic (art. 9 of Decree No. 1680/91).

423. The same Extraordinary Decree empowers the Government to assign functions and working groups to the Directors of Presidential Programmes (art. 16 of Decree No. 1680/91). This resulted in Decree No. 1860 of 1991, which specifies the functions of the Director of the Presidential Programme for Youth, Mothers and the Family, in accordance with which steps were taken to transfer to the Administrative Department of the Office of the President of the Republic some of the functions connected with the protection of the family which, in a general manner, were assigned to ICBF with a view to providing policy guidance, formulating and implementing programmes and, subsequently, supporting their institutionalization.

424. There is an Office for Youth, Women and the Family in the Governor's Office of each Department, and each Mayor's Office in the main towns has an Office for Women's Affairs; this feature extends SMBF's field of action and coverage.

5. System for the protection of mothers

(a) System of protection

425. Law No. 50 of 1990 made considerable changes in Colombia's labour regime.

(a) It increased by 4 weeks (to a total of 12) the period of paid maternity leave;

(b) It extended the rights and guarantees enjoyed by a biological mother to the adoptive mother;

(c) It introduced the possibility of transferring the first of the 12 weeks of maternity leave to the spouse or permanent companion with a view to ensuring his companionship and care at the time of the birth and during the initial stages of childhood.

It remains prohibited to dismiss a woman worker during the period of pregnancy and nursing. These provisions are applicable both in the private and public sectors.

426. The total period of compulsory maternity leave is 12 weeks (art. 34 of Law No. 50/90). In the event of a miscarriage, the woman worker is entitled to two to four weeks of paid leave at the wage she was receiving at the time she began her leave (art. 237 of the Substantive Labour Code).

427. The employer is required, during the first six months after the birth of her child, to grant a woman worker two 30-minute rest periods per working day; if she submits a medical certificate setting out reasons justifying such action, the employer may increase such rest periods. Pursuant to this obligation, the employer is required to provide, adjacent to where the woman works, a nursing room or suitable premises where the child can be taken care of (art. 7 of Decree No. 13/67).

428. Article 236 of the Substantive Labour Code, as amended by article 34 of Law No. 50 of 1990, provides for 12 weeks of paid leave at the wage received by the woman when she began her leave if her wages were fixed; if they varied, the figure used is the average wage she received during the last year she worked or during the period for which she worked if this was less. Similarly, the mother is entitled under the law to medical, pharmaceutical, surgical and hospital care during the period she requires such care, which should be provided without delay.

429. ISS has stipulated that an insured woman whose insurance ceases before the date of her antenatal leave is entitled to maternity benefits if conception occurred before the date of her withdrawal and provided that insurance premiums were paid for a minimum of four weeks (art. 23 of Decree-Law No. 1650/77).

430. Moreover, if a person who is insured conceals his insurance, his wife or permanent companion, if recognized by ISS, is entitled to maternity benefits providing that conception occurred before the date of his cancellation and that he had paid insurance premiums for a minimum of four weeks (art. 24 of Decree-Law No. 1650/77).

(b) Special measures in favour of women in vulnerable groups

431. The Social Security Reform Law (Law No. 100 of 1993) has, through the Solidarity and Guarantees Fund, provided for machinery to cover groups of women not having access to social welfare programmes by making suitable arrangements for them or through their spouses or permanent companions. This provision gives effect to article 43 of the Constitution which states

"During their periods of pregnancy and following delivery, women will benefit from the special assistance and protection of the State and will receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned."

6. Special measures for the protection of and assistance to children and young persons and particularly measures to protect them against economic exploitation or preventing their employment in jobs likely to affect their morals or health

(a) Minimum working age and other guarantees

432. Articles 237-264 of Decree No. 2737 of 1989 - the Minors Code - are concerned with under-age workers and state that work by children of under fourteen (14) years of age is prohibited and also that the parents are under an obligation to ensure that such children attend schools. Exceptionally, and on the basis of special circumstances defined by the Family Protection Officer children over twelve (12) years of age may be authorized to work by the Labour Inspector or, in his absence, by the highest local authority at the request of the parents or, in the absence of both, by the Family Protection Officer.

433. The maximum duration of a minor's working day is regulated by the provisions of article 242, which states:

> "1. A minor between twelve (12) and fourteen (14) years of age may be employed for a maximum period of four (4) hours a day, doing light work.
>
> "2. Children of over fourteen (14) and under sixteen (16) years of age may be employed for a maximum period of six (6) hours a day.
>
> "3. The working day of a minor between sixteen (16) and eighteen (18) years of age may not exceed eight (8) hours.
>
> "4. Night work by minors is prohibited. However, children over sixteen (16) and under eighteen (18) years of age may be authorized to work up to 8 p.m., providing that such work does not interfere with their regular attendance of a school or affect their health or morals."

434. Article 243 states that "The working minor is entitled to the wage, social benefits and the other guarantees that the law grants to workers of over eighteen (18) years of age. The wage of an under-age worker shall be proportional to the number of hours worked."

435. Article 244 states that "The under-age worker shall be entitled to education and shall be granted leave without pay when school activities so require".

436. Articles 245 and 246 of the Minors Code indicate the various types of work on which no minor may be employed.

437. Article 245 states that "Minors may not be employed for the following types of work since they entail considerable risks to their health or physical integrity:

"1. Work in which they come into contact with toxic substances or substances harmful to health.

"2. Work in abnormal temperatures, in contaminated surroundings or premises with inadequate ventilation.

"3. Underground mining work of any kind as well as work associated with the presence of harmful agents such as contaminants, temperature disequilibriums or lack of oxygen as a result of oxidation or gasification.

"4. Work in which the minor would be exposed to noise of over eighty (80) decibels.

"5. Work involving the handling of radioactive substances, luminescent paints, or x-rays or entailing exposure to ultraviolet and infrared radiation and radio frequency emissions.

"6. Any type of work that entails exposure to high voltage current.

"7. Underwater work.

"8. Work as dustmen or any other type of work entailing contact with biological pathogens.

"9. Work that involves handling explosive, flammable or caustic substances.

"10. Work as stokers or firemen on maritime transport vessels.

"11. Industrial painting work entailing the use of white lead, lead sulphate, or any other product containing these substances.

"12. Work involving the use of grinding machines, sharp tools, high speed abrasive grinders and similar work.

"13. Work in metal smelters, steel plants, rolling mills, forges and with heavy metal presses.

"14. Work and operations entailing the handling of heavy loads.

"15. Work involving the changing of transmission belts and lubricants and other work in the vicinity of high-speed transmission belts.

"16. Work with metal-cutting and other particularly dangerous machines.

"17. Work in glassmaking and pottery plants, the grinding and mixing of raw materials: work in kilns, dry polishing and grinding of glassware, sand blasting, work in glazing and engraving shops and work in the ceramics industry.

"18. Work entailing gas and arc welding, oxygen cutting in tanks or confined spaces, on scaffolding or with hot mouldings.

"19. Work in brick and pipe works, moulding bricks by hand, work with brick presses and in kilns.

"20. Operations and/or processes entailing high temperatures and humidity.

"21. Work in metallurgical industries producing iron and other metals on operations and/or processes generating toxic fumes or dust and in cement plants.

"22. Agricultural or agro-industrial work entailing considerable risks to health.

"23. Other work specifically referred to in the regulations of the Ministry of Labour and Social Security.

"Paragraph. Young workers under eighteen (18) years of age and over fourteen (14) taking technical courses with the National Apprenticeship Service or in a specialized technical institute recognized by the Ministry of National Education or in an institution of the National Family Welfare System authorized to that effect by the Ministry of Labour and Social Security or who are awarded a certificate of professional aptitude by the National Apprenticeship Service (SENA), may engage in the operations, occupations or processes listed in this article which, in the opinion of the Ministry of Labour and Social Security, can be performed without serious risk to the health or physical integrity of the minor through adequate training and the application of safety measures that fully ensure the prevention of such risks."

438. Article 246 states that "The employment of workers under eighteen (18) years of age on any work affecting their morals is prohibited. This prohibition applies in particular to work in brothels and other places of entertainment where alcohol beverages are consumed. A similar prohibition applies to the hiring of such minors for portraying pornographic scenes, violent death, justification of offences and similar events."

(b) Working children

439. A survey conducted by the National Planning Department provides the following official figures for working children: the number of working boys and girls between five (5) and eighteen (18) years of age is between 1.5 and 2.2 million, which is equivalent to between 15 and 20 per cent of all children and young persons in this age range. In the rural areas, including small towns, the corresponding figure is between 1.3 and 1.7 million, and in larger towns from 10 to 15 per cent.

(c) Unprotected children and systems of protection

440. In Colombia, just as in other countries of the world, the problem of unprotected children is the result of flaws in the family, economic and social structure and of the failure not only of parents to perform their protective function but also of those who in the normal course of events should exercise that function in respect of minors. Various cases of this nature have aroused the interest of various persons and bodies, both local as well as national and international, and as a result studies have been carried out with a view to identifying the factors behind the deterioration in the development of children and changes in their behaviour.

441. Colombia is aware of the need to continue pressing ahead with the formulation of approaches that analyse this trend in a comprehensive manner. The various forms of lack of protection that have been identified include violence within the family, abandonment, overcrowding, labour exploitation and drug addiction.

442. The Government of Colombia, through ICBF, is developing programmes of preventive and special protection for children and families. The special protection programmes offer guidance and legal, social and nutritional care to children, young persons and families who, by virtue of family and social circumstances, are in a crisis situation or in the process of disintegration, in conflict or unprotected, or show signs of deficient physical or psychological development.

443. The following special protection projects are being implemented by ICBF:

(a) Special care for families and minors in an institutional, family or open environment;

(b) Assistance to minors and families in civil proceedings;

(c) Production and distribution of "Bienestarina" food products of high nutritional value; and

(d) Guidance and assistance for the family.

(d) Systems of information

444. Institutions such as the Office of the Ombudsman and ICBF have prepared primers on the rights of children and organized workshops to make the community aware of their rights. In addition, the Human Rights Council proposed the establishment of an Inter-institutional Committee for the Rights of Children and Young Persons comprising fifteen (15) government bodies. This Committee was constituted by Decree No. 1310 of 1990, its main function being dissemination of information about and protection of the rights of children and young persons.

445. The Committee follows the legislative process in respect of the rights of children, studying the relevant laws, making suggestions, emphasizing the importance of the subject and proposing criteria that promote the higher interests of children; it organizes various campaigns to arouse awareness of the rights of children and coordinates the work of bodies dealing with this segment of the population.

446. The Office of the Ombudsman, whose principal function is to promote and disseminate information about human rights has, since its establishment, been coordinating the activities of this Committee.

(e) Guarantees of the system of protection

447. Problems connected with the economic exploitation of minors are being resolved since the promulgation of the Minors Code. The Ministry of Labour and Social Security, through its inspectors and monitors, pays regular as well as periodic visits to enterprises in order to determine whether they employ under-age workers and whether they comply with regulations protecting such workers. The Ministry of Labour and Social Security also imposes fines on those who infringe such regulations in order to ensure the protection of the rights of minors. An enterprise that has endangered the life of a minor or committed an offence against public morals is closed down permanently.

448. The person responsible for authorizing minors to work is the Labour Inspector, and without his authorization they may not be employed.

F. Article 11

1. Present standard of living of Colombians

449. The information requested in this regard has already been supplied, both in the introductory part of this report and in the document on human rights and extreme poverty submitted by the Government of Colombia to the Centre for Human Rights on 28 March 1994.

2. The right to adequate food

(a) The nutritional situation in Colombia

450. In pursuance of the National Food and Nutrition Plan, the following nutritional situation is described for the country: Colombia has been making a variety of efforts in the health and nutrition sector under various Governments. However, as in many countries in the region, while an improvement has occurred in health and nutrition indicators, these have not been appropriately quantified in such a way as to set out clearly the changes in the health and nutritional status of those who have benefited from the various activities.

451. A brief summary of the principal nutritional problems occurring in Colombia is given below:

(a) For the country as a whole, 98.5 per cent of calorie requirements are met. The figures are higher in rural areas than in urban areas - 99.4 per cent and 98 per cent respectively;

(b) Protein requirements are met somewhat better in urban areas than in rural areas - 106.8 per cent and 99.6 per cent respectively. For vitamin A, 86.7 per cent of households recorded levels below 100 per cent of the recommended level;

(c) 54.7 per cent of households failed to reach 100 per cent of iron requirements. Rural areas show a greater shortfall in respect of this nutrient. The most recent study on problems of nutritional anaemia, carried out between 1977 and 1980, revealed that 20 per cent of the population of Colombia is affected by anaemia to different extents;

(d) At the beginning of the 1960s, an efficient salt iodization programme began, which succeeded in reducing the prevalence of iodine deficiency in certain areas from over 80 per cent to around 0.8 per cent. However, in the 1980s non-iodized salt began to be marketed clandestinely, and it is assumed that the problem is reappearing in some Departments;

(e) Analysis of nationally representative studies on the nutritional status of the Colombian population helps to quantify changes which have occurred in the nutritional status of children under five over a period of roughly 10 years; the results show an improvement which is reflected in a decline in the prevalence of the various types of malnutrition.

452. Changes in the nutritional status of the child population: From the anthropometric viewpoint, protein-calorie malnutrition among children in Colombia is characterized by a shortfall in weight and height for a given age, without any marked imbalance between weight and height. This is the result of chronic environment-related deprivation among the poor: insufficient food together with calorie and protein deficiencies and a high incidence of common infectious diseases, not always severe but very frequent, have a progressive effect on growth in terms of weight and height. The data analysed show an increase in physical growth recorded at the various ages, both for weight and for height. On the basis of the indicators of weight for age, height for age and weight for height produced using the frames of reference laid down by WHO, the following may be noted:

453. Weight in terms of age: If the prevalence of malnutrition is compared in terms of degrees of intensity, a fall in malnutrition may be observed; slight malnutrition fell from 16.9 per cent in the period 1977-1980 to 10.8 per cent in the period 1986-1989, while moderate to severe malnutrition fell from 2.5 per cent to 2.3 per cent. Slight malnutrition fell in all age groups, while moderate to severe malnutrition increased in the 6-11 and 24-35 month age groups. The improvement in the nutritional situation is also reflected in a decline in the population at risk of malnutrition, which appeared in the age groups.

454. Height in terms of age: For the periods 1977-1980 and 1986-1989, there was a fall in the overall prevalence of shortfalls in growth, from 18.7 per cent to 15.6 per cent in the case of slight chronic malnutrition and from 7.2 per cent to 5.2 per cent in the case of moderate and severe chronic malnutrition, in keeping with the change in overall malnutrition.

455. Weight in terms of height: Shortfalls in weight as compared with height are rare in Colombia, possibly as a result of a mechanism in children of physiological adaptation of the organism to moderate chronic environmental impacts, reflected in weights relatively proportionate to progressively less satisfactory heights. The improvement in nutritional status reflected in the weight-height indicator points to a reduction in total acute malnutrition and the risk of malnutrition in all age groups.

456. In short, there was a significant improvement in the nutritional status of the child population in the period under consideration, reflecting a rise in the standard of living of the lowest socio-economic groups, possibly as a consequence of an improvement in the level of education, and greater availability of health services, among other factors.

457. Low birth weight: Birth weight is divided into two groups, for pre-term live births following a gestation period of less than 37 weeks, and for full-term births after 37 weeks' gestation or more, or with insufficient growth *in utero*. Of the total number of births, 9.1 per cent occurred after less than 37 weeks' gestation, and of this group 44.5 per cent weighed less than 2,500 grams. Among full-term births, 4.9 per cent displayed low weight at birth, in other words insufficient growth *in utero*, and this demonstrates the dimensions of the problem, since risk factors are associated with nutritional deficiencies in the mother, socio-economic problems and problems of access to health services. The Epidemiological Surveillance System for Food and Nutrition monitors low birth weight associated *inter alia* with the length of the gestation period, and this makes it possible to plan corrective action and draw up prevention programmes.

458. In conclusion, the principal nutrition research projects carried out in the country are listed below for information purposes:

(a) Prevalence of iodine deficiency disorders in three regions of the country;

(b) Consumption of iodized salt in the community: knowledge, attitudes and practices;

(c) Salt intake and marketing;

(d) Consumption index for foods supplying vitamin A;

(e) Identification of factors which lead to non-transmissible chronic diseases of adults in school children and adolescents in various towns in the country;

(f) Effects of changes in diet on cholesterol and triglyceride levels in the blood in patients with hyperlipoproteinaemia;

(g) Nutritional status of pre-school children and school children (< age 14);

(h) Study of cholesterol and triglycerides in schoolchildren in Bogotá;

(i) Nutritional status of schoolchildren in Santafé de Bogotá;

(j) Study of the health and nutrition status of the indigenous population;

(k) Food and nutrition status of the Ticuna and Camtsa indigenous population (Putumayo and Amazonas);

(l) Food and nutrition status in 25 indigenous villages in the country;

(m) Production alternatives for quinoa;

(n) Evaluation of growth and nutritional status in seven towns;

(o) Functional and motor morphological profile of Colombian schoolchildren;

(p) Low birth weight: extent and risk factors in five large cities;

(q) Determination of the index of unmet basic needs using census data;

(r) Number and professional profile of experts in nutrition and dietetics in Colombia;

(s) Analysis of the availability of experts in nutrition and dietetics in Colombia;

(t) Occupational profile of experts in nutrition and dietetics in Colombia.

(b) Supplementary information

459. To supplement the picture outlined above, one of the most comprehensive pieces of research which provides information broken down by region and population group in the area of nutrition is the National Survey of Health Knowledge, Attitudes and Practices: 1986-1989 "Nutritional status and feeding patterns in children aged under 5", July 1990 (see annex).*

(i) Nutritional status of children aged under five

460. Anthropometric measurements carried out as part of this survey, using a random sample representative of the various regions, provided the basis for an updated diagnosis of the nutritional status of the Colombian population aged under five. The nutritional situation was evaluated using indicators of weight in terms of age, height in terms of age and weight in terms of height, using frames of reference laid down by WHO. The overall rate of malnutrition observed was 13.1 per cent.

461. From the anthropometric viewpoint, the study found low weights in terms of age group and shortfalls in growth, but no imbalance between weight and height - in other words, breast-feeding infants and pre-school children maintain a balance, with 4.9 per cent experiencing acute malnutrition.

462. A high risk of malnutrition was observed in the first and second years of life. Although there were no substantial differences between regions, the greatest level of loss of weight (overall) was found in the Pacific region, while a shortfall in the rate of growth (chronic) was found in the Eastern region.

---

* May be consulted in the Secretariat files.

463. Malnutrition was associated with demographic variables (family size, age of mother, number of children under five), economic variables (work performed by mother, monthly family income), educational variables (level of education of the parents), environmental variables (piped water supply, sewage and rubbish disposal systems), morbidity (acute diarrhoeal diseases and respiratory diseases) and household habits (use of radio and television, household water treatment).

464. In short, the nutritional status of children aged under five has markedly improved as a result of measures taken in the field of nutrition and thanks to economic development. Levels of malnutrition are higher in the rural sector (scattered villages or those with less than 2,500 inhabitants), lower in intermediate-size villages and higher again in the towns; this may be due to the existence of neighbourhoods inhabited by new arrivals, who live in marginal conditions.

(ii) Breast feeding and supplementary feeding

465. The survey collected information on breast feeding and the initiation of supplementary feeding, bearing in mind the fact that a mother's milk is essential during the first three months of life, necessary during the next three months and complementary in the three months thereafter. The prevalence of breast feeding in Colombia stands at 94 per cent, and the average length of breast feeding is nine and a half months, with a median of eight months; half of all male children breast feed up to the age of eight months, while half of female children breast feed up to the age of seven months. Regionally, breast feeding is shortest in Central and Bogata regions (5 months), and longest in the Atlantic region (11 months).

466. Consumption of milk other than mother's milk, such as cow's milk, taro milk, etc., began at the age of three months for 50 per cent of children. Half of all Colombian breast-feeding children had begun supplementary feeding at the age of three months; children in Central, Pacific and Bogata regions had begun at the age of two months.

467. The study showed the relationship between the suspension of breast feeding at the age of three months and the extent of malnutrition, in terms of both loss of weight (overall) and decline in the rate of growth (chronic). Breast feeding was linked to various demographic variables (number of family members, number of children aged under five, mother's age, size of locality lived in) and socio-economic variables (mother's education, family income per month, work performed by the mother). Depending on the size of locality lived in, breast feeding continues for longer in the rural sector.

468. Colombia has adopted patterns from industrialized countries, where there is a tendency to return to natural feeding; the prevalence of breast feeding remained constant during the 1980s.

(c) Measures considered necessary to guarantee access to adequate food for each of the vulnerable groups

469. In the field of nutrition, the Government's priority lies in eradicating severe malnutrition and lowering levels of slight malnutrition among the poorest groups. Pregnant and breast-feeding mothers and children under seven are the principal target population.

470. The policy objectives are being pursued by means of various programmes implemented by the Ministries of Health, Agriculture and Education, ICBF, the Office of the President, etc.

471. A National Food and Nutrition Plan is currently being drawn up. The main activities involved have been:

(a) Establishment of a national intersectoral group coordinated by the National Planning Department; a high level of agency response and commitment has been achieved;

(b) Analysis of present nutrition policies in the context of the strategies of the Inter-Agency Nutrition Committee;

(c) Identification and analysis by the agencies of the various policies, plans, programmes and projects currently being carried out in the country which are directly connected with food and nutrition.

472. The analysis brought out the fact that the nine strategies drawn up by the Inter-Agency Nutrition Committee for inclusion in the National Food and Nutrition Plan are already being put into effect. For this reason, the intersectoral group is focusing its activity on drawing up a food and nutrition policy linking the various plans, programmes and projects under way and remedying the shortcomings in the present policy.

473. The analysis of the various plans, programmes and projects addresses the need to strengthen monitoring and evaluation of each of them so as to ascertain their impact on the target population and take any corrective steps required.

(d) Measures adopted to improve food production, conservation and distribution methods

(i) Sectoral diagnosis

474. The agricultural sector in Columbia has experienced a crisis reflected in the figures for gross domestic product in the sector, which in 1992 reached highly critical levels of growth: agriculture excluding coffee, -0.5 per cent, including coffee, -1.3 per cent. In addition, the sharp fall in coffee output and the downward trend for a number of other crops (cotton, rice and sorghum) contributed to the downturn in the sector (see annex 1).

475. The international prices of some export products had an impact on the smooth development of the sector; export prices for coffee, bananas, cotton, flowers and cocoa contributed to the fall in agricultural exports, which in 1993 stood at 6.0 per cent including coffee and 3.4 per cent excluding coffee (see annex 2).

476. The severe and extended drought, levels of violence in the countryside, the revaluation of the peso, the reduction in direct export incentives and the maintenance of agricultural production subsidies in other countries also contributed to the loss of profitability in the sector.

(ii) Policy measures

477. Recovery plan. From the time it was drawn up, the recovery plan was designed to identify priority criteria in order to give back to agricultural policy instruments the central role they play in the new model of development, with the aim of securing a return to dynamic growth in the sector and grasping the opportunities afforded by the new economic model. The policy addressed the specific features of the sector and of international markets for agricultural produce, and set up selective and differential machinery for the various agricultural products.

478. Tackling the crisis called for two types of action. In the short term, the aim was to restore profitability in the sector and producer confidence in agricultural activity through a set of sectoral policy measures including actions designed to remedy unfair competition from imports, re-finance producers' assets, grant them access to new working capital, guarantee them minimum prices for the purchase of their products and reduce their production and marketing costs. Notable among these measures are the following:

(a) Raising of minimum guaranteed prices. As a result of a comprehensive review of methodologies for the calculation of minimum guarantee prices - formerly support prices - the Ministry of Agriculture sets producer prices every six months (see annex 3);

(b) Upgrading of foreign trade standards for the agricultural and fisheries sector through:

(i) Monitoring of unfair competition and creation of a level playing field for competition with imported products;

(ii) Comprehensive review of the system of price bands, to eliminate certain distortions in the present system (see annex 4);

(iii) Maintenance of the CERT so as to help ensure that farmers receive remunerative prices for export products;

(iv) Establishment of price stabilization funds, which are regarded as an important tool to neutralize the effects of the drop in international prices;

(v) Priorities in international negotiations. In this context mention should be made of the integration process organized under the auspices of the Andean Group, the final result of which was a draft agreement due to be approved shortly by the Commission of the Cartagena Agreement, concerning harmonization of the price band mechanism in member countries. Also noteworthy is the agreement with the G3 Group (Colombia, Venezuela and Mexico) signed at the Ibero-American Presidents' summit meeting on 14 June 1994 in Cartagena de Indias. The aim of the agreement is to secure preferential access to the Mexican market for at least

80 per cent of Colombian agricultural output, maintain the system of bands for sensitive imports and secure gradual tariff reductions (see annex 5). Another agreement signed recently by the Presidents of Colombia and Chile will promote agricultural exports by ensuring the immediate removal of Chilean tariffs for 80 per cent of our exportable agricultural output, with a further 12.8 per cent benefiting from slow and semi-slow reductions (over three and five years respectively). In the GATT Uruguay Round, the tariff reduction proposal submitted by Colombia sought to make the forthcoming negotiations more independent, achieve an expansion of international markets, strengthen existing markets and serve as coordination machinery for the proper protection of national output (see annex 1);

(c) Complementary use of absorption agreements. In order to restore confidence on the part of producers, modernization and absorption agreements were drawn up for wheat and barley. Wheat was the subject of an absorption agreement, while barley was covered by a modernization and diversification agreement. The aim in both cases was to raise productivity and new production alternatives, and major action has been taken, such as the formulation of a plan for the construction of farm reservoirs. For cotton cultivation, an interrelated set of measures has been drawn up including intervention by the Agricultural Market Institute in crop buying (intervention prices);

(d) Lowering of production costs through:

(i) The "technological shock" plan. The "technological shock" plan, launched in July 1993, is designed to ensure that producers adopt technologies that have been transferred, thus enabling them to reduce production costs per unit produced by an average of 20 per cent. In addition, in pursuance of this plan, a programme for the creation and dissemination of technology packages was put forward and led to better use of the land;

(ii) Tax and tariff measures. With the same aim of reducing costs facing the agricultural sector, the following measures were adopted: reduction of tariffs on pesticides to 5 per cent (0 per cent for their active constituents), and elimination of taxation at source for transactions of less than Col$ 390,000 and those carried out through the National Agricultural Exchange. Law No. 101 of 1993 made it possible to authorize exemptions from value-added tax for intermediate services in agricultural production, land improvement and marketing (see annex 6). The interest rate for development credits for medium-scale and large producers was reduced by three points as a result of suspension of the rule requiring a contribution for obligatory technical assistance;

(e) Measures in the field of credit:

(i) Recapitalization of the Agrarian Bank. The rehabilitation of the farming sector, in addition to ensuring a recovery in profitability and confidence, demanded additional activities aimed at facilitating access to working capital for producers, and for this reason a further Col$ 56,000 million was added to the capital of the Agrarian Bank in accordance with Law No. 17 of 1992. Furthermore, in 1993 the central Government paid Col$ 57,800 million through the transfer of shares in Bancoldex and around Col$ 10,000 million, corresponding to fines imposed by the Banking Superintendent, was added to the capital;

(ii) Re-financing. Capitalization activity was complemented by a refinancing plan which included, in addition to the restructuring stipulated in Law. No. 34 of 1993 (see annex 7), restructuring operations carried out by the Agrarian Bank. Coffee producers benefited from these operations through the National Coffee Fund and the Agrarian Bank. Action designed to strengthen the credit status of producers and marketing organizations also included supplementary credit lines from IFI and Bancoldex for banana marketing organizations;

(iii) Guarantees. To provide security to facilitate access to credit, the Agricultural Guarantee Fund was set in operation (see annex 8);

(iv) Agricultural insurance. The central Government created agricultural insurance under Law No. 69 of 24 August 1993 (see annex 9), for risks related to climatic problems, natural disasters and biological problems classified as disasters: it will supplement Law No. 101 of 1993 and strengthen administrative machinery to guarantee efficiency and flexibility in incentive payments. In this context, the Ministry of Agriculture is working on a census of smallholdings through an Inter-American Institute of Agricultural Sciences consultancy, as well as a hazard map, for which international tenders are currently being sought;

(f) Marketing. Another strategic area for enhancing national competitiveness is the strengthening and modernization of marketing channels. In this context, it is planned that, through a contribution in the form of capital and pre-investment, IDEMA should foster the establishment and strengthening of enterprises for marketing and primary processing through the Risk Capital Investment Fund (see annex 10). The Act also authorized IDEMA to construct or co-finance commercial physical infrastructure projects. In addition, the central Government is pursuing the regulation and privatization of supply centres to increase their efficiency and performance.

479. Over the medium and long term, action has been initiated to increase competitiveness and guarantee sustained growth as part of a policy of internationalizing the economy. The most important actions include the following:

(a) Technology generation and transfer (Decree No. 1946 of 30 August 1989 and Decree No. 2379 of 21 October 1991, annex 11). The action taken to improve competitiveness in the context of the present process of internationalization of the economy has been designed to introduce institutional changes so that new research approaches can be strengthened and applied. Institutional changes in the transfer of technology subsector have been aimed at modernizing the Institute of Agricultural Research in line with socio-economic, environmental and political changes. This body is engaged first and foremost in regulating, monitoring and preventing health, biological and chemical hazards arising from plant or animal species; in this context, the General Agricultural and Fisheries Development Law lay down specific functions for it and set up a National Agricultural Protection Fund to expedite and facilitate the availability of resources for the implementation of activities in the field of animal and plant health and agricultural inputs (arts. 65, 66 and 67). The activities in the fields of research, promotion and technology transfer are to be carried out principally through organizations, and to this end the Colombian Association for Agricultural Research has been set up. The aim in the application of new research approaches is that they should be focused on and appropriate to the characteristics of the various eco-systems to be found in Colombia and to introduce new technologies based on the demand for the service and designed to reduce costs (integrated pest management, natural input of nutrients into the soil, minimum tillage). For this purpose, the setting up of the National Technology Transfer System will help to ensure that the technologies created reach producers at the right moment, so as to guarantee both sustainable agricultural output and improved competitiveness on the part of the agricultural services available, through the research and technology adaptation component of the National Agricultural Technology Transfer Programme, the financing of which is practically assured to a value of US$ 60 million; this activity also includes strengthening of the municipal technical assistance units and the agriculture secretariats in support of municipalities;

(b) Land improvement. In order to adapt and ensure the implementation of irrigation programmes that are in keeping with the characteristics of the crops and eco-systems which are benefiting from agricultural development, the new institutional arrangements have been initiated under the leadership of the National Land Improvement Council (Law No. 41 of 1993, annex 12). The policy changes have taken the following forms:

(i) A shift in priority from the rehabilitation of districts to new economically and socially viable land improvement projects incorporating criteria of social equity;

(ii) Direct participation by the private sector in the various stages of project implementation (studies, design and construction), with the possibility of access to complementary services offered by the Government;

(iii) Transfer of land improvement districts to users' associations for management, administration, operation and conservation;

(iv) Efforts at the national level to promote and channel the initiative of rural communities when they seek the improvement of land improvement projects;

(v) Provision of the legal advisory services required for the formation of users' associations and for obtaining water use concessions;

(vi) Provision of technical assistance in the identification of projects, the commissioning of studies and plans, private assessment and project construction;

(vii) Establishment of the National Land Improvement Fund to finance all stages of improvement projects;

(viii) Leadership of its activities in keeping with its shift in function from straightforward implementation to investment promotion.

With the aim of ensuring the implementation of activities and compliance with the provisions of the Law, the Colombian Hydrology and Land Improvement Institute has increased investment for 1995 by 21 per cent over the present level (see annex 13);

(c) Export promotion. The task of promoting Colombian agricultural exports has been entrusted to the Ministry of Agriculture, the Ministry of External Trade, Proexport, Bancoldex and the Corporación Colombia Internacional, which are responsible for putting forward, funding and disseminating export projects, and dealing with advantages and requirements arising from multilateral regional and trade integration agreements, as well as the preferences offered by developed countries for Colombian products, such as ATPA and the special programme of the European Communities, for the purpose of expanding and strengthening the position of our products on international markets;

(d) Upgrading of information systems. The Ministry of Agriculture has been preparing the ground for the adoption of a technical and reliable statistical system to provide the country with timely information on crop areas, production and yield, as well as market prices and volumes;

(e) Other activities. In addition to the above-mentioned activities, the Ministry of Agriculture has been gradually addressing the food and agricultural problem in the country. Since 1986, through joint efforts between the Ministry of Health, the National Planning Department and the Family Welfare Institute, work has been under way on developing the Epidemiological Surveillance System for Food and Nutrition, the aim of which is to identify risks of disease or death among the population experiencing food and nutritional problems. Since 1992, the Ministry of Agriculture has been playing a role under an LAIA-FAO agreement on food security, for which the national focal point is the Ministry of Health. In addition, the Integrated Rural Development Fund has been administering the United Nations Food Cooperation Project, plans for which will be submitted during the second half of 1994. With the aim of promoting the development and rehabilitation of communities of small farmers, Col$ 4,700 million has been allocated to 433 organizations of small farmers with 77,835 users in 8 Colombian departments;

(f) The rural development policy for small farmers is specifically aimed at areas occupied by small farmers, indigenous Colombians and new settlers, which contribute 52 per cent of agricultural production and account for 57.4 per cent of the cultivated area. Rural communities make up 28 per cent of the total population of Colombia. The objective of the policy is to improve the incomes and quality of life of the rural population by enhancing the efficiency of agricultural activities and promoting action whereby incomes can be generated outside agriculture. The objective is greater social equity between sectors of the population, groups and regions and greater participation by citizens, as well as proper conservation of natural resources. The strategies are:

> (a) Narrow focus. With the aim of making social expenditure in rural areas more efficient, the executing agencies have given geographical priority to the rural development activities bearing in mind levels of poverty, unmet basic needs and the level of community participation;
>
> (b) Decentralization. Greater degrees of responsibility on the part of local institutions;

(g) Adaptation and structuring of institutions.

(i) Establishment of the post of Deputy Minister of Rural Development for Small Farmers and a National Council for Rural Development for Small Farmers and Agrarian Reform;

(ii) The establishment of municipal rural development committees in each municipality;

(iii) Establishment of a national cofinancing system (see annex 14);

(iv) Encouragement of participation by citizens through People's Inspectorates;

(h) Action to be carried out

(i) The Emergency Job Generation Plan is intended to keep manpower in the rural areas through the cofinancing of highly labour-intensive projects (see annex 15);

(ii) The Agricultural Sector Modernization and Diversification Plan is intended to strengthen existing absorption agreements and extend them to other products; Col$ 5,200 million has been appropriated for this plan in the budget of subsidiary and related bodies;

(iii) Agricultural credit (covered in the Recovery Plan);

(i) Financing of poli., actions in 1992, 1993 and 1994. The investment committed by various agencies under these policy guidelines is estimated at Col$ 181,759 million in 1993 and Col$ 267,636 in 1994 (see annex 16);

(j) Environmental policy. In order to bring the institutional machinery in the field of the environment into line with the specific political, socio-economic and environmental characteristics of the country, within a context of sustainable development, and the use and exploitation of renewable natural resources, the Ministry of Agriculture took the lead in a process which led to the establishment of the Ministry of the Environment and the National Environmental System (see annex 18);

(k) Policy of institutional adaptation and modernization of the State. The policies followed in the areas of modernization of bodies in the sector and promotion of a more decentralized system of management in agriculture make it possible to identify a framework for achieving effective planning in the sector. The Ministry's subsidiary and related bodies underwent administrative restructuring to respond to modernization of the sector and the decentralization process.

(iii) Constitutional, judicial and regulatory provisions

480. The year 1993 will go down as an exceptional one as far as agricultural legislation is concerned. During the year the Congress adopted nine bills. Four of them have already been endorsed by the President, including Law No. 101, known as the General Agricultural and Fisheries Development Law (see annex 20), Law No. 69, establishing agricultural insurance (see annex 9), and Law No. 99, setting up the Ministry of the Environment (annex 19). The five other Laws, which await presidential endorsement, concern the creation of a Forestry Incentive Certificate, funds for poultry farming, horticulture and fruit farming and pulse cultivation and the Act instituting new regulations governing livestock funds.

481. Decision No. 345 adopted by the Commission of the Cartagena Agreement laid down rules for the protection of plant varieties. They are supplemented by Law No. 34 of 1993 on refinancing (see annex 7) and Law No. 41 of 1993 (see annex 12) on land improvement. Lastly, two draft laws are currently on their way through congress, No. 114 on agrarian reform, and the palm cultivation fund, which will become part of the country's legislation.

482. The Ministry of Agriculture's extensive legislative agenda stemmed from the need to elaborate upon the principles laid down in the 1991 Constitution. This sets forth, inter alia, the right of agricultural workers progressively to become owners of land, and the principle that the State must grant special protection to agricultural production and special credit terms for the sector, thus enshrining the right of everyone to enjoy a healthy environment (arts. 64, 65 and 66 of the Constitution).

483. The highlight of this legislative effort was the General Agricultural and Fisheries Development Law, which provides the sector with innovative instruments to pursue policies for recovery in the short term and sustained development in the long term (see annex 22).

484. Another important activity of the Ministry of Agriculture has been the preparation of regulations for the Agrarian Act so as to make it functional and speed up its implementation (annex 22 shows the work already done and the work in progress on these regulations).

(iv) Results

485. The information available on the farming sector for 1993 and the first half of 1994 shows the first definite signs of recovery in this sector. The sectoral GDP grew rapidly, climbing from -0.5 per cent in 1992 to 5.9 per cent in 1993 and with a pre-investment rate of 4.6 per cent for 1994, excluding coffee production, which declined sharply in 1993. Notwithstanding the policy of restricting coffee supplies, this item recovered strongly during the first half of 1994. The growth in GDP is largely based on the expansion of the livestock sector and standing crops other than coffee, while there has been a partial recovery in the case of seasonal crops, especially those competing with imports.

486. The marked decline in coffee production in 1993, combined with the downward trend of some seasonal crops, (cotton, rice and sorghum) and the partial recovery of areas under seed, shows that the crisis has not been fully overcome; moreover, as regards external trade, there is a tendency for farming exports to be concentrated under a few headings. The contribution made by this sector to the reduction of inflation has been reflected in a decline in the real domestic prices for some products, especially livestock products.

487. The most recent estimates of the Ministry of Agriculture, as set out in annex 1, table 5, show that, despite the marked decline in coffee production (-13 per cent in 1993), the sector recorded 3.1 per cent growth. This means that non-coffee farming production expanded by 5.5 per cent. The livestock subsector as a whole was the most dynamic, with growth of 6.8 per cent, spearheaded by poultry production. Similarly, the non-coffee agricultural sector enjoyed appreciable growth of 4.1 per cent thanks to the sustained expansion of standing crops, including flower-growing.

488. The growth in the poultry sector (17.2 per cent) was due, among other factors, to State policy (introduction of a prior licensing system for chicken pieces entering the country at distorted prices), technological and entrepreneurial advances, a change in household consumption patterns towards chicken meat and eggs, and the reduction of production costs.

489. The pig-farming sector grew by 7.1 per cent, due to modernization and the reduction of input costs.

490. In addition, milk production grew by 5 per cent owing to policies enabling increased internal supply to be absorbed.

491. Contrary to the above items, beef production virtually stagnated during 1993 owing to competition from poultry products.

492. Non-coffee agricultural performance is shown in annex 1, tables 7 and 8. Standing crops increased considerably (see annex 1, graph 2). As concerns exportable items, the area under cultivation grew and production went up by 6.1 per cent. The African palm is the most competitive product, increasing by 9.2 per cent because of the new areas brought into production.

493. Among standing exportable crops, a distinction should be made between two dissimilar groups. Flowers, sugar cane, bananas for export and coffee (during the second half) grew significantly and improved their profitability; banana-growing grew steadily in relation to 1992 because of the restrictive regime imposed by the European Economic Community. On the other hand, tobacco and cocoa experienced serious problems.

494. The performance of non-marketable standing crops was uneven. As a whole, areas under cultivation and production (up to 3.7 per cent) increased.

495. Seasonal crops did not perform very satisfactorily; during 1993 production increased only slightly by 1.7 per cent, an advance which only partially reversed the decline of previous years (see annex I, graph 2). For the 1993 harvest, the areas under cultivation increased appreciably in relation to the previous year's harvest (see annex I, graph 3). The largest decline in areas under cultivation and production in 1993 was concentrated in cotton, rice and sorghum crops (see annex I, tables 7 and 8). For the 1993-1994 harvest, the revitalization of sorghum production began. Owing to measures proposed by the Ministry of Agriculture, rice will begin a recovery during the 1994 harvest.

496. Coffee is the crop in the most critical situation. Profitability is continuing to decline and production is estimated at 12 million sacks, representing an additional fall of 12 per cent. Although significant readjustments have recently been made in the domestic price (up 30 per cent as compared with the previous year), the actual coffee price continues to be low at a time when producers are having to cope with the effects of the rapid spread of the borer pest. The strong and sustained upturn in foreign prices holds out hope of a reversal of this trend within the next few years.

497. The performance of the farming sector in 1993 and expectations for 1994 can be regarded as outstanding, bearing in mind the difficult conditions still prevailing in the world market. In recent years, real prices of farming products in international markets have been at their lowest levels of the twentieth century - 50 per cent and 39 per cent below the average for the 1970s and 1980s, according to World Bank estimates (see annex 2, graph 2). Since late 1993, there has been some sign of recovery for products such as coffee, cocoa, cotton, rice and soya (see annex 2, graph 3). If this trend is maintained, it will help to support sectoral recovery during the present year.

498. The farming sector made a significant contribution to reducing inflation during 1993, particularly during the first half of the year, when sectoral inflation reached its lowest point (annual rate of 10.2 per cent in July) and led a fall in the overall inflation rate (20.5 per cent between July 1992 and

July 1993). Since then, both have shown a tendency to increase, showing that the significant decreases in the average inflation rate have so far been associated with favourable agricultural-price cycles. However, it should be pointed out that the recent increases in farming-sector prices have only tended to approximate to those in the economy as a whole (see annex 2, graph 4).

499. Using the overall consumer price index as a basis for comparison, real agricultural prices declined sharply during 1991 and the first half of 1992, following which there has been a sharp reversal in the trend since 1993. On the other hand, livestock prices increased strongly in earlier years and then declined (see annex 2, graph 5).

500. During the first four months of 1994, food prices went up by 14.4 per cent (see annex 2, graph 5). The largest increases were in non-marketable agricultural items (16.5 per cent). Products in a special price band or under special protection (prior authorization required) showed low or normal price increases up to April, except for rice and milk.

501. Prospects for farming prices seem good, judging by the recent behaviour of the consumer price index and wholesale prices in Corabastos (see annex 2, graph 6). The price increases for non-marketable products slowed down considerably from March on, particularly for garden produce, vegetables and fruit. On the other hand, tubers and bananas, a sector still expanding rapidly, may start to stabilize in the near future.

502. Increases in the price of rice may continue, but they will also slow down from the middle of the year because of the recovery in seeding.

503. Various analysts and the Ministry of Agriculture have pointed out that an assessment of the farming sector's performance should not only be based on production trends, but that account should be taken of profitability levels and sectoral earnings. An analysis of the performance of Colombian agriculture based on profitability indicators and, in particular, agricultural prices and costs can be found in annex 2.

(e) Measures adopted to propagate nutritional principles

504. The Government of Colombia has made major efforts fully to comply with the objective of improving availability of, and regular access to, the foodstuffs and nutrients necessary for the full development of the biological potential of all Colombians, whatever their economic status may be and wherever they may live. However, there are still signs of malnutrition among the population.

505. In general terms, the calorie and nutrient deficiencies in the Colombian diet are: protein, calcium, iron, riboflavin, niacin, vitamin A and thiamine.

506. The average income level will have to increase substantially for the calorific needs of the Colombian population to be fully met. Decline of disposable income is reflected, in the first instance, in a reduction in the consumption of nutrients among the poorest sectors and an increase in the population exposed to the risk of malnutrition.

507. Nutritional education, accompanied by the supply of foodstuffs complementing basic health services is one of the most important measures to be taken to improve standards of nutrition in Colombia. Nutritional care is given through the Ministry of Health and the ICBF, which define the institutional responsibilities by programme, with a view to facilitating the coordination of activities.

508. The Ministry of Health provides care to the mother and child population through the growth and development programme and the care and perinatal programme. Care is given to the school-age population through social security and welfare arrangements.

509. Care for adults is dispensed through specific programmes, and care for the elderly is provided under the guidelines of the Comprehensive Care of the Elderly Plan, which came into operation in 1987.

510. The Colombian Family Welfare Institute (ICBF) disseminates, updates and informs the population of the basic principles of nutrition through the following programmes: Community Homes; the Family, Women and Children; Community Kindergartens; Children's Homes; and Supplementary Care for School Children and Adolescents.

511. It also promotes organized participation by the community and encourages the nutritional education component in the supplementary nutrition programmes which it offers.

512. From 1985 on, the Epidemiological, Food and Nutritional Surveillance Scheme (SISVAN) was introduced with the main aim of collecting, processing and analysing information on nutrition and food security among the country's various population groups, in order to detect groups most exposed to this type of risk. SISVAN processes information under three headings: nutritional state of the population under the age of five, state of health, and food security.

(f) Agrarian reform measures

513. The activities of the Colombian Social and Agrarian Reform Institute (INCORA), as set out in Act No. 135 of 1961 and the amendments thereto, have basically been geared to facilitating access to land by peasants, settlers, Indians and homeless persons. In order to enhance the efficiency of the agrarian reform programme, INCORA was restructured in accordance with the guidelines laid down in Decree No. 2137 of 1992. The Institute is currently carrying out projects in 79 agrarian reform zones (237 municipalities) and 23 development zones entailing the granting of title deeds to uncultivated land, the establishment and upgrading of indigenous reserves, extinction of the right of private ownership and clarification of property ownership.

514. As regards physical targets, the current Administration reached the target of 6.5 million hectares conferred with title to 130,750 beneficiary families.

515. The Family Agricultural Units set up with land belonging to the National Agrarian Fund have engaged in crop, livestock or mixed production, including the assignment of one hectare to cultivate products forming the basic diet of the small-scale producers. Agricultural exports constitute 12 per cent of all produce from the lands distributed; the main emphasis is on the production of foodstuffs - in order, rice, maize, cocoa, bananas, sorghum, coffee, sugarcane, cassava, yams and arracacha.

516. Bearing in mind the restrictions imposed by Act No. 135 of 1961 designed to make agrarian reform a flexible, decentralized and effective instrument for the self-sustained development of the most marginalized rural areas, INCORA set out to evaluate the legal framework in order to adapt it to the country's new development conditions and the requirements of institutional modernization. A bill was submitted to the Congress of the Republic proposing a reduction in State intervention, the strengthening of micro-planning systems, the promotion of community participation in land purchases and in the design of the productive system, and the establishment of the national agrarian reform and social and peasant development scheme as instruments of planning, coordination, implementation and evaluation, with five clearly defined subsystems, with a view to specialization of activities under the institutional coordination of comprehensive projects.

517. When this Act is adopted, it will incorporate 721,000 families into farming production - 166,000 being landless peasant families and 550,000 smallholders - whose total demand for land amounts to 4.7 million hectares (see annex 24).

(g) Policy for the development of rural women

518. Policy for the development of rural women is aimed at enhancing their income and quality of life and, in consequence, that of the family and the community. This policy is based on a recognition of the differences in the needs and roles of men and women as development agents. Efforts have been geared to:

(a) The establishment of Rural Women's Policy Board and the Office for Rural Women within the Ministry of Agriculture;

(b) Improving coordination for the social sector;

(c) Making institutional adjustments to national bodies;

(d) Supporting territorial entities and systems of joint financing and planning;

(e) Launching a programme of sensitization, training and dissemination;

(f) Designing an information system (see annex 17).

3. Right to adequate housing

(a) Diagnosis

(i) Population

519. Colombia conducted a population census in 1993, the final results of which will be published only in late July 1994. Accordingly, the population data on which this report is based will be those from the census of 1985 and its projections. The up-to-date data will be sent to the Committee as soon as they are officially published.

520. In 1985, Colombia had a total population of 29,265,499; according to the projection for December 1993, the population was 34,234,496, of whom 22,766,382, or 66.4 per cent, lived in urban areas and 11,468,114, or 33.6 per cent, lived in rural areas.

(ii) Characteristics of housing availability

521. Housing availability in Colombia is uneven, varying according to geographical location and type of community.

522. Two indicators have been devised to measure these characteristics: quantitative housing shortfall and qualitative housing shortfall. The 1985 census showed that the housing conditions in one third of Colombian households were seriously in need of improvement.

523. A total of 1.8 million households suffer from inadequate housing - 3.9 per cent from problems of overcrowding, 38.8 per cent from problems of inadequate connection with basic services and 2.1 per cent from structural deficiencies, especially in the major cities.

524. According to estimates of the National Planning Department, 61 per cent of households suffering from overcrowding are occupied by critical poverty groups with income below two legal minimum wages, 24 per cent by relative poverty groups with income between two and four minimum wages, and the remaining 16 per cent by groups with income of between four and eight minimum wages.

525. Growth and migration have created new housing needs in recent years. It has been estimated that population growth will generate demand for more than 100,000 new units a year.

526. Illegal settlements or housing: The cities have been expanding without regard for urban planning regulations, contributing to the growth in substandard settlements and the accumulated housing shortfall. The social cost of this situation is high. Families linked to informal urbanization and construction mechanisms incur higher costs than those with access to the formal housing supply, while at the same time generating higher costs for connection with public services and improvement of settlements. The following are among the reasons for such costs: location on unstable land, increasing the cost of laying foundations; location in steep areas requiring abnormally high expenditure on services and transport networks, and special protective

devices and drainage; difficulties in network maintenance; deterioration in the financial situation of public utilities; increased cost of drinking water supply when gravity service charges are exceeded; difficulties in disposing of waste water creating an unhealthy environment which it is costly to eliminate; and inefficient urban location entailing extra transport costs, in terms of either greater road density or man-hours spent travelling.

527. Housing tenancy: Housing tenancy varies according to the type of community and, to a lesser extent, geographical location. According to 1990 projections, some 67.6 per cent of all dwellings are owned by the families occupying them or some member of that family, while 23.5 per cent of inhabitants live in rented accommodation and 8.8 per cent in some other situation.

(iii) Housing policy in Colombia: institutional adjustment process

528. The general thrust of the Government's Plan for the period 1990-1994 is to promote the process of economic liberalization. As far as housing policy is concerned, liberalization has signified a more open and focused approach: more open towards initiatives from non-State sources and more focused in terms of housing investment by the State geared to the population on the fringe of the market mechanism, with the aim of ensuring access to that market and at the same time promoting the activities of other agents.

529. Trust in the market mechanism, the basis for the formulation of the Plan's housing policy, was plausible in the context created by the attainment of the supplementary objectives of previous housing policies.

530. Although it was necessary for the Plan to recognize, as indeed it did, the relative obsolescence of the previously existing institutional framework, which it rightly criticized for its centralized and scattered nature, it implicitly recognized the entrepreneurial and financial development connected with housing promotion which was to a large extent State-inspired.

531. In order to bring the sector's institutional structure up to date, Act No. 3 of 1991, establishing the National Social Housing Scheme and the family housing subsidy and reforming the Land Finance Institute, was promulgated. The establishment of the National Social Housing Scheme sought to overcome the previous centralism by establishing a body for the coordination, planning, implementation, monitoring and evaluation of public and private bodies in regard to the financing, construction, improvement, relocation, equipping and recognition of title to this type of housing.

532. In order to focus State resources on the housing needs of the weakest population groups and ensure transparency in the management of such funds, the family housing subsidy was established to replace the direct provision of housing solutions.

533. The Land Finance Institute, a body established in 1939, was converted into the National Social Housing and Urban Reform Institution (INURE), which was given responsibility for administering the family housing subsidy and supplementary programmes and promoting the implementation of the Urban Reform Act.

534. The institutional adjustments initiated created the conditions for the execution of a social housing policy based on the following strategies:

(a) Subsidizing housing demand by households with an income of less than four legal minimum monthly wages;

(b) Actively involving the private sector, both entrepreneurs and the community, in the supply of housing for such households;

(c) Decentralizing the construction and financing of social housing.

In pursuit of these strategies, the various bodies of the National Social Housing Scheme were given responsibility for achieving the overall target of national social housing policy.

535. Among the bodies linked to the National Social Housing Scheme, the financial system connected with the real-estate sector (created in 1972), as formed by the savings and housing corporations, occupies a prominent position. The participation of these bodies in financing social housing derives from the obligation to allocate a percentage of their portfolio (22 per cent) to this type of property.

536. The financial system linked to the real-estate sector includes the Constant Value Section of the Central Mortgage Bank. This Bank, set up in 1932, is the oldest financial agency in the sector. Having been involved in almost all major changes in this area, it has on various occasions been a leading instrument of State action in the housing and urban development fields.

537. The National Social Housing Scheme also involves two government bodies channelling public servants' savings into housing - namely the National Savings Fund (established in 1968) and the Military Housing Fund (established in 1947).

538. The Family Compensation Funds, set up in 1957, were also incorporated in the scheme. These regional bodies were initially conceived as the means of providing subsidies in cash or kind to contribute to the maintenance of children of middle-class and working-class employees. In time, the Funds diversified their social activities through medical services, education, recreation and culture, even entering the area of housing. A 1990 Act made it obligatory for the Funds to act as dispensing agents of the subsidy for social housing through the establishment of the Family Housing Subsidy Fund.

539. At the local level there were the Municipal Housing Funds (24 were operating at the time when the Plan was drawn up), whose participation in the promotion of social housing was on a modest scale, especially considering that the possibility for establishing such Funds was first laid down in an Act of 1936.

540. As regards rural financing, the Agrarian, Industrial and Mining Credit Fund, a banking institution set up in 1931, was given responsibility for administering the family housing subsidy in rural areas and municipalities with fewer than 2,500 inhabitants.

(b) Allocation and attainment of goals

(i) Allocation of goals

541. The government plan established a global objective for the four-year period of 539,502 housing units, 443,487 of them in urban areas and 96,017 in rural areas. In order to meet these goals, the following quotas were assigned to each of the bodies connected with the urban housing system:

TOTAL	539,505
RANGE 0-2 legal minimum wages	
- INURBE, Mpios., NGOs, CCF	53,326
- National Savings Fund	7,484
- Military Housing Fund	6,832
RANGE 2-4 legal minimum wages	
- INURBE, Mpios., NGOs, CCF	120,276
- National Savings Fund	11,118
- B.C.H.	1,907
- Military Housing Fund	2,262
RANGE over 4 legal minimum wages	
- CAV(s)	142,454
- National Savings Fund	1,493
- B.C.H.	5,339
- Military Housing Fund	1,613
IMPROVEMENTS	89,383

With regard to rural housing, the goal is as follows:

Rural Housing Agrarian Fund	98,012

Source: 1990-1994 Development Plan.

(ii) Attainment of goals as of March 1994

542. The National Social Housing Scheme had an attainment rate of 146 per cent with regard to the cumulative goals set for March 1994 by completing 632,663 housing units since 1991. The contributing bodies participated in the attainment of these goals as follows:

TOTAL	632,663
RANGE 0-2 legal minimum wages	
- INURBE, Mpios., NGOs, CCF	116,767
- National Savings Fund	10,987
- Military Housing Fund	4,632
RANGE 2-4 legal minimum wages	
- INURBE, Mpios., NGOs, CCF	109,419
- National Savings Fund	7,806
- B.C.H.	
- Military Housing Fund	2,506
RANGE over 4 legal minimum wages	
- CAV(s)	235,916
- National Savings Fund	2,953
- B.C.H.	
- Military Housing Fund	577
IMPROVEMENTS	58,187

Source: Ministry of Development.

543. The attainment rate is about 124 per cent, a satisfactory figure if the yardstick is confined to the goal set for social housing, i.e. excluding dwellings intended for households with a monthly income of more than four minimum wages, in order to offset the effect of the extraordinary property boom coinciding with the Plan's period of implementation. On the basis of the results achieved so far, it is hoped that the goals for the Plan will be exceeded by some 40 per cent in 1994.

(c) Standard-setting

(i) Right to adequate housing

544. The Colombian Constitution of 1991 provides for the right to housing in the following articles:

Article 51. "All Colombians are entitled to decent housing. The State shall establish the necessary conditions to enforce this right and shall promote social housing plans, appropriate schemes for long-term financing and associative arrangements for carrying out such housing programmes."

Article 64. "The State shall have a duty to promote progressive access by agricultural workers to land ownership, either on an individual or associative basis, and to education and health services, housing, social security, recreation, credit, communications, marketing of products, and technical and entrepreneurial assistance, with a view to improving such workers' income and quality of life."

(ii) Housing legislation

545. The Colombian State has formulated specific legislation to give effect to the provisions of the Constitution regarding social housing:

(a) Act No. 9 of 1989. This Act lays down rules regarding municipal development plans and the purchase and operation of real-estate, together with other provisions. In order to create optimum conditions for the development of cities and their areas of influence in physical, economic, social and administrative terms, municipalities with a population of more than 100,000 must draw up a development plan;

(b) Act No. 3 of 1991. This Act established the National Social Housing Scheme and the family housing subsidy, reformed the Land Finance Institute (ICT) and laid down other provisions. The Family Social Housing Scheme is administered by public and private bodies performing functions conducive to the financing, construction, improvement, relocation and equipping of such housing, and recognition of title thereto. The family social housing subsidy is a one-time, non-reimbursable contribution granted to the beneficiary by the State, either in cash or in kind;

(c) Decree No. 2154 of 1993. This Decree partially regulates Act No. 3 of 1991 in regard to the amount of the family housing subsidy, procedures for obtaining the subsidy and arrangements for payment. It also creates the special subsidy and lays down the criteria for distributing funds;

(d) Act No. 60 of 1993: Under article 2, it is for the municipalities, through the offices of the central organization or the competent decentralized municipal bodies, in their capacity as principal executing agencies for social activities, to manage, provide or participate in the provision of services directly, in accordance with the law. In the housing sector, and supplementary to Act No. 3 of 1991, it is the responsibility of the municipalities, in cooperation with the private sector, communities and solidarity organizations, to promote and support programmes and projects and grant subsidies for social housing in accordance with the criteria for focused activity regulated by the National Government, in conformity with article 30 of the Act.

(iii) Rent Acts

546. Act No. 56 of 1985. Article 1 recognized the right to housing of the Colombian family as an obligation of the State, a right which is necessary for the life and economic development of the community and responds to the need to harmonize the exercise of the right of ownership and its use with the public interest. Article 2 provides that a contract for rented urban accommodation is one by which two parties enter into reciprocal obligations, on the one hand to grant the total or partial enjoyment of an urban building intended for housing, and on the other to pay a specified price for such enjoyment.

(iv) Laws governing evictions

547. This matter comes within the scope of the Code of Civil Procedure and is regulated by Act 56 of 1985:

> "ACT 56 OF 1985
>
> Article 24. When eviction proceedings are initiated, as provided for under article 434 of the Code of Civil Procedure, in addition to the requirements noted therein, the following shall be taken into account:
>
> - When the defendant cannot be notified in person of the court order accepting the application within two (2) days from the date of its issue, a notice to that effect shall be posted in the entrance of the building.
>
> - The preliminary pleas referred to in article 97 of the Code of Civil Procedure for this kind of eviction proceedings must be entered within the time-limit set for service of process.
>
> - In the cases referred to in articles 434, section 10.337, and 338 of the Code of Civil Procedure, both parties shall furnish security for costs within five (5) days of the date of proceedings, equivalent to two (2) rental fees, guaranteeing compensation for any prejudice caused."

(v) Laws conferring legal title to persons living in the illegal sector

548. Decree 2154 of 1993 deals with the case of legal entitlement as one of the solutions to the problem of housing for which the family housing allowance can be granted. According to article 19, legal entitlement is the set of measures whereby a person able to benefit from such a solution may be granted ownership of the property in question and register it in the property register of the locality as appropriate, in accordance with the provisions contained in chapter IV of Act 3a of 1991.

(vi) Financial and administrative measures adopted by the State

549. Decree 2152 of 1992 provides for the restructuring of the Ministry of Economic Development and the establishment therein of the Vice-Ministry of Urban Development, Social Housing and Drinking Water, which since that time had been responsible for the framing of policies, plans and programmes concerning housing of social utility in the country.

> "DECREE 2152 OF 1992
>
> Article 1. From the date of entry into force of the present Decree, the Ministry of Economic Development shall discharge its functions in accordance with the provisions of the rules set out in the following articles and concordant rules, amendments and supplementary provisions.

Two vice-ministries are thereby established and assigned functions, one to be known as the Vice-Ministry of Urban Development, Social Housing and Drinking Water."

"DECREE 2654 OF 1993

Article 1. Under this Decree provision is made for the following:

Long-term loans. New credit and portfolio operations. Town planning developments.

Savings and housing corporations and other credit institutions that grant mortgage credit for housing shall earmark for the funding of housing of social utility a fixed percentage of the balance of new mortgage credit operations for real estate."

(vii) Measures adopted to promote self-help strategies whereby community-based housing associations can build housing

550. The measures are as follows:

(a) Resolution 044 of 1990. Recognition of legal personality requires prior consultation with the Superintendency of Companies. For a housing plan or programme to be developed on the basis of self-management, community participation or self-help, community-based housing associations must obtain a permit to raise funds and the appropriate conveyancing permit issued by the Special District or by the municipality where the aforementioned plan or programme is to be carried out;

(b) Civil Code, article 633. Basic rules governing the establishment of associations or foundations. The rules governing transactions with legal persons shall be issued by the municipalities;

(c) Act 03 of 1991, article 12 (d). Credit facilities for municipalities, funds for housing of social utility and urban reform, community-based housing associations and implementing agencies through financial intermediaries or with bank guarantees for the development of the programme of solutions in respect of housing of social utility.

(viii) Laws concerning environmental management and health in housing units and human settlements

551. The laws are as follows:

(a) Decree 2104 of 1983, prescribing and regulating measures for the disposal of solid or semi-solid waste. The municipalities are assigned responsibility for street cleaning and rubbish collection and procedures are laid down for the handling of solid waste of particular kinds;

(b) Decree 2105 of 1993, serving as the regulatory instrument of chapter II of Act 09 of 1989 concerning purification measures for drinking water. This Decree lays down rules and criteria with regard to physical, chemical and bacteriological quality and establishes a system for the classification of water supply systems;

(c) Decision 14 of 1983 establishing the rules of procedure of rural aqueduct and sewerage boards;

(d) Decree 1842 of 1991 establishing the national statute of users of public sector home services;

(e) Act 99 of 1993 establishing the Ministry of the Environment and providing for its operation and organization.

G. Article 12

1. National health policy

552. The low health cover traditionally provided in Colombia made it necessary for the national Government to undertake a radical reform of the health provisions of the social security system. The reform is contained in two basic enactments, namely Act 60 and Act 100, both promulgated in 1993. The aim of the reform is for Colombia to achieve the worldwide goal of health for all. This goal will be attained through the new health system, governed by the principles of decentralized national social security with a strong institutional and financial base. The purpose of the reform is to achieve health cover for the entire population in the medium term so that the benefits of the system are distributed according to need and not according to each individual's ability to pay.

553. Its guiding concerns include the following:

(a) **Universal cover**. The new social security system seeks to provide total health cover for the population. The first step towards achieving this is to bring workers' families into the system, thereby ensuring that they are properly cared for by health services. The legislation provides for special resources to subsidize access to health services for persons who are not in an economic position to pay the total contribution required for the compulsory health plan. This subsidy will be funded from the public revenue of the nation and local authorities, with a contribution from participants in the higher-income bracket;

(b) **Solidarity**. All members of the population contribute to the system to the extent of their economic possibilities and receive protection from the system according to need. This is the principle of solidarity. Everyone contributes for themselves and for their families a percentage of their income and receives the basic services and medical, surgical and hospital care required. A Solidarity and Guarantee Fund has been established to underpin the community-oriented functioning of the system.

(a) The compulsory health plan

554. The new system offers a comprehensive health scheme known as the compulsory health plan. This plan will provide a means of going beyond the idea of public assistance by introducing the dimension of solidarity and social security. The plan covers all aspects of care, the treatment of all diseases by means of the essential technologies available in the country, and curative medicine, and gives priority to measures to promote health and

prevent disease. Specific resources are earmarked for the purpose and incentives are provided to ensure that the bodies responsible for organizing services are truly instrumental in promoting health. Health promotion units are being set up for the purpose.

555. In line with social changes, the new social security health system introduces innovations both institutionally and in terms of the funding mechanisms for the provision of health services. Financial assistance is now automatically available, where before it was available only on request. Through this arrangement, the health system is encouraged to cut through red tape and to show greater flexibility in meeting people's needs.

556. New sources of financing are also being created, as in the form of a part of the additional resources that will be received from 1997 by local authorities as a transferred contribution obtained by way of a tax on the output of oil companies in the area of Cupiaga and Cusiana, family allowance contributions, the financial yield of income from share transfers and State shares in public or semi-public companies, levies on the amount of the annual premium for compulsory traffic accident insurance, and a community tax on weapons and ammunition.

557. A new set of bodies are being established for the purposes of the system: health promotion units, direct suppliers of services and the Solidarity and Guarantee Fund.

558. The health promotion units (EPS) will be responsible for providing the health services covered by the compulsory health plan, for which they will be remunerated by the system on a per capita basis. In so far as remuneration depends on the number of affiliated persons, there is thus an inducement to satisfy the user. Furthermore, the fact that users can freely choose their health promotion unit will make for higher standards, since they will have the opportunity at fixed intervals to change in the event of their not receiving satisfactory service.

559. The other group of bodies are the institutions supplying health services. They may be legal persons (hospitals, health centres, association of professionals, cooperatives) or simply independent professionals under contract with health promotion units for the provision of services.

560. A key feature of the reform is the establishment of the Solidarity and Guarantee Fund, designed to ensure that the system operates on a basis of solidarity and equality. The Fund will serve as a means of linking up the various health units so as to even out differences in income, cost and disease-related risk between regions and socio-economically disparate population groups. The Fund also draws on other sources of financing, including national revenue.

561. Under the new system hospitals will gradually obtain income from the sale of services to health promotion units, local authorities and the Solidarity and Guarantee Fund, which will provide it with an incentive to be efficient. However, agencies providing services that are located in small, outlying municipalities will be able to receive direct transfers not according to the number of patients receiving care but according to the basic care facilities

that need to be kept available for them. Through the establishment of the Solidarity and Guarantee Fund, a system will be ensured that will be characterized by greater solidarity and fairness.

(i) Community-oriented health enterprises

562. The community-oriented health enterprises (ESS) are a form of user-owned health agency. The purpose of this scheme, which started up in 1993, is to extend health cover and the availability of health services to the lowest-income groups. The Government has by this means started to organize a modern, entrepreneurial system incorporating major innovations, set out in Act 100 of 1993. These include the establishment of a direct allowance for Colombians for the provision of a basic health package, and the organization of a system operated and monitored by the actual people concerned.

563. Community organization is the crucial factor in the establishment of community-oriented health enterprises. On the basis of currently existing forms of association such as the parents' boards of children's homes, rural consumer councils, cooperatives, mutual benefits societies and community health committees, or new forms of organization combining earlier ones, such enterprises can be set up.

564. The community-oriented health enterprises will contract out the different types of health services to doctors or other health workers and to public and/or private agencies according to need. Furthermore, the flexibility offered by contractual arrangements will mean the end of the present problem created by the reluctance of health personnel to settle in the poorest, outlying areas.

(ii) Changes arising from provisional article 20 of the National Constitution

565. The reform of the Ministry of Health sought to make it the backbone of health policy, empowering it to create the necessary conditions for the proper operation of the system. Under this reform the Ministry concerns itself essentially with policy-making, coordinating all the bodies directly or indirectly providing services, and ensuring efficient health control and technical assistance for the efficient management and supervision of health services. The Ministry's conception of its role is also changing. Instead of being one more supplier of services, operating on a centralized basis, it is redefining its tasks to include the planning, coordination and control of the system.

566. The National Health Superintendency has strengthened its functions of inspection, supervision and control in respect of public health services, especially medical insurance companies, companies administering financial monopolies granted by the State and bodies providing health services. This reform consequently lays emphasis on the special responsibility of the Superintendency for the inspection, supervision and control of the efficiency and effectiveness of public spending on health, and the proper collection, allocation and management of economic resources and the resulting services.

567. The National Health Institute has become specialized as a scientific and technological body, an epidemiological monitoring agency, a group of reference laboratories for the national laboratory network and the source of production of vaccines and other biological products.

(b) Funding arrangements

568. The health reform requires resources amounting to approximately Col$ 71.7 billion (1993 pesos), earmarked essentially for the Health Solidarity and Guarantee Fund and the health sector's Contributions Fund. The first of these two funds is expected to provide assistance for some 2.5 million poor and vulnerable Colombians and their families.

569. Decentralization of the health sector, initiated by Act 10 of 1990, has been carried further by Act 60 of 1993, which lays down the respective fields of competence of the State, the departments, districts and municipalities.

570. In keeping with the Political Constitution of 1991, the departments are again assuming to the full their planning and mediating functions. Departmental assemblies and governorates are responsible for the organization and administration of health care measures and services for their citizens.

571. In this new system the departments have an advisory function and are responsible for coordinating health measures between the municipalities within their jurisdiction and for guaranteeing the secondary and tertiary services entrusted to them by Act 10 of 1990. It falls to them to schedule and allocate health sector resources, for which they need to enhance their technical and managerial capability so as to guarantee the efficiency and quality of the services that will henceforth be under their responsibility.

572. The aforementioned Act strengthened the autonomy of municipalities and their role as the mainspring of basic health policy and guarantor of primary health care measures and services such as health promotion, disease prevention, monitoring of risk factors affecting the health of elderly persons, children and other vulnerable groups and expanded health cover along the lines laid down for the new social security health system.

573. Besides thus defining the functions and responsibilities of each local authority, Act 60 of 1993 provides greater financial support for the health sector not only through an increase in resources but also by precisely and explicitly defining the basis for determining the amount of the resources to be transferred from Central Government to the departments. These traditionally paid for at least 40 per cent of the health service provision. The resources that the State transfers to the health sector by this mechanism have been increased by at least one additional percentage point of total current revenue. The health sector will now receive a minimum of 5 per cent of the State's current revenue and not 4 per cent as laid down by Act 10 of 1990.

574. Act 10 of 1990 also provides that at least 25 per cent of the social welfare investment transfers to be received by municipalities shall be used for the provision of the services under their responsibility. Under that Act, the municipalities' contribution to the total financing of the health sector will increase from 5 per cent to 35 per cent.

575. Act 60 of 1993 removes one of the main obstacles to the decentralization of the health sector, namely the huge amount of outstanding employers' health insurance contributions owed to health personnel. The Act accordingly established the Contributions Fund for the recording and payment of claims, making it mandatory to affiliate employers to the Fund and to pay in good time the contributions that will be required in future. What this means is that the Act finances the debt but also ensures that it is not recreated. The State will bear approximately 60 per cent of the debt burden, which is estimated at about Col$ 450 billion; however, the matter is currently under review.

576. To sum up, the purpose of Act 60 of 1993 is to strengthen the supervisory and managerial capacity of local authorities to guard against any deterioration in the process or any lowering in the quality of service. At the institutional level, the Act provides for the adjustments needed to guarantee the orderly transfer of the responsibilities to be borne by the local authorities with the object of overcoming the difficulties that arose in the wake of Act 10.

577. The National Co-Financing System embraces the health sector. The Social Welfare Investment Fund (FIS) will manage the resources assigned to the national Government for the co-financing of health projects.

2. The National Primary Health Care Plan

578. The views adopted by the World Health Organization regarding primary health care are embodied in Colombia's national health policy, as reflected in the Primary Health Care Plan. The Plan provides for the following lines of action:

(a) Establishment, training and consolidation of 3,000 family and community health teams composed of doctors, professional nurses in the welfare services sector and health and sanitation officers. Their composition and area of responsibility are determined by the Local Health Directorate. Their functions are to identify and provide care for the most needy families and to identify and train other programme agents;

(b) Selection and training of 3,000 health and environment community units. These units are composed of health officers and by individuals, families and community organizations united by a concern with community health work.

579. Up to now human, physical and financial resources have been excessively centred on high-level curative medicine, which is relatively costly and does not easily lend itself to being introduced on a wider scale. Pioneering studies show that a wide range of the most common diseases could be treated through promotional and preventive action and basic care administered either directly or in itinerant centres operating in the vicinity of housing.

580. The "Healthy Families in a Healthy Environment" programme seeks to improve primary health care, laying emphasis on health promotion activities and disease prevention. This primary health care plan embodies the country's experience and establishes the new approaches set out at the Alma Ata International Conference on Primary Health Care and in Act 10 of 1990 and its regulatory decrees.

581. Each municipality will be required to draw up its own primary health care plan, with the support of the Ministry of Health and the health divisions. The municipalities will be responsible for the provision of primary health care, backed up by the health services.

582. The plan is funded from the Central Government subsidy to the departments and by resources under the rural health plan, intended essentially for operations, and by means of investment funds from Central Government. Operating costs are financed by ECOSALU, a financial monopoly company in charge of games of chance.

3. Some WHO indicators

(a) Infant mortality rates and life expectancy

583. The table shows infant mortality rates and life expectancy at birth in Colombia for the period from 1965 to 2025:

Years	Total mortality rate per thousand inhabitants	Life expectancy at birth (years)
1965-1970	10.06	60.04
1970-1975	8.71	61.64
1975-1980	7.63	63.95
1980-1985	6.31	67.16
1985-1990	6.09	68.24
1990-1995	5.91	69.26
1995-2000	5.77	70.23
2000-2005	5.71	71.13
2005-2010	5.72	72.05
2010-2015	5.82	72.95
2015-2020	6.09	73.68
2020-2025	6.52	74.29

(b) Vaccination cover

584. The expanded immunization programme is one of the measures that has produced the greatest impact on the health levels of the infant population. The eradication of polio and the substantial increase in vaccination cover against measles, tetanus, whooping cough and diphtheria form part of the commitments made by the Government at the World Summit for Children, held in September 1990. These goals have been achieved. Colombia has not had a single case of polio for three years and nearly 100 per cent of the infant population are covered by the expanded immunization programme. During the vaccination campaigns carried out in the last two years, a special house-to-house drive was organized for the benefit of children and women in high-risk areas.

585. Vaccination cover for infants under the age of one continued to increase, with the following immunization percentages being achieved in 1992 and 1993:

Polio	84.31	44.0
DPT	77.5	81.49
Tuberculosis	86.01	92.2

Tetanus: the greatest increase was achieved with anti-tetanus cover, showing an improvement over the 41 per cent cover recorded in 1990. As regards neonatal tetanus, the incidence of the disease has decreased and the number of municipalities reporting cases declined in the two years following the beginning of the anti-tetanus campaign. The goal is to eradicate the disease by 1995.

Whooping cough: the rates of incidence of this disease continue to be low. However, this may be due to difficulties of diagnosis, and work is therefore under way to assess epidemiological research methods with a view to determining exactly how this disease develops.

(c) Medicine policy

586. The basic objective of the Ministry of Health's medicine policy has been to ensure adequate medical supplies for the population. Under the essential drugs programme, a limited number of highly effective products have been identified, having regard to morbidity patterns in our country. They number slightly more than 400 active principles, identified by their scientific or generic name and characterized by their high therapeutic effectiveness, their relative harmlessness, their relatively low cost and the fact that the vast majority are not subject to proprietary rights.

(d) Maternity mortality

587. The table shows maternity mortality in Colombia.

Year	Female population	Registered births	Maternity deaths (rate per thousand)		Total	Rate
			Miscarriages	Other		
1960	3 151 980	598.53	123 7.9	1 430 92.1	1.55	2.6
1961	3 220 263	626.8	121 8.2			
1962	3 316 452	650.56	105 7.0	1 404 93.0	1.51	2.3
1963	3 415 514	665.29				
1964	3 517 536	674.83	160 9.3	1 552 90.7	1.71	2.5
1965	3 657 416	664.57				
1966	3 733 782		183 11.5	1 412 88.5	1.6	
1967	3 840 867					
1968	3 951 023					
1969	4 064 338					
1970	4 313 192					
1971	4 505 632					
1972	4 610 298					
1973	4 717 395		241 15.1	1 352 84.9	1.59	
1974	4 826 980	667.64	221 18.0	1 010 00.0	1.23	1.8
1975	5 112 306	720.6	241 17.7	1 117 82.3	1.36	1.9
1976	5 304 878	671.61	251 22.2	878 00.0	1.13	1.7
1977	5 426 518	716.9	250 18.9	1 076 81.1	1.33	1.8
1978	5 550 518	704.87	146 14.9	837 00.0	983	1.4
1979	5 678 232	623.92	183 14.5	1 076 85.5	1.26	2
1980	6 088 261	821.65				
1981	6 215 872	839.26	164 17.0	801 83.0	965	1.1
1982	6 346 156	837.93	152 19.1	644 80.9	796	0.9
1983	6 479 172	829.35	163 19.1	691 80.9	854	1
1984	6 614 975	825.84	148 23.1	494 76.9	642	0.8
1985	7 197 818	835.92	156 21.7	564 78.3	720	0.9
1986	7 204 294	931.96	135 21.6	490 78.4	626	0.7
1987	7 503 432	937.43	153 23.6	496 76.4	649	0.7
1988	7 654 257		135 23.3	496 76.7	580	
1989	7 810 239		107 18.9	458 81.1	565	
1990	8 155 567		188 20.0	433 80.0	541	
1991	8 287 349		96 19.0	410 81.0	506	

Note: Statistics are not shown for some years as information has not been collected on the number of registered births, but according to the National Statistics Department, the same trend is being maintained.

(e) Comprehensive health care for children

588. In accordance with the Constitution, which gives precedence to children's rights over those of other members of the population, and in pursuance of the aims put forward at the World Summit for Children, a study on the health status of minors was carried out and served as a basis for the preparation of a plan of action for the health sector which includes the following objectives:

(a) To help to improve children's health conditions through promotional work and measures to reduce the risk factors associated with growth and development;

(b) To reduce child mortality rates (children under seven years of age), with special emphasis on infant mortality (children under one year of age);

(c) To increase health care cover for children under seven years of age through the monitoring of growth and development.

589. The activities carried out in pursuance of the aims proposed in the plan are as follows:

(a) Provision of neonatal reanimation equipment to improve health care for newborn babies, especially in areas that are the most vulnerable owing to biological and socio-cultural factors;

(b) Development at the level of all the local authorities of the action plan to promote, encourage and support breast-feeding by mothers on an exclusive basis up to the age of four months and on a partial basis up to the age of two years;

(c) Back-up training for health teams in the prevention and treatment of diarrhoeal disease and acute respiratory infection at institutional and community level;

(d) Financial support and technical advice for community oral rehydration units, located in all administrative areas;

(e) Vaccination of pregnant women with tetanus toxoid to prevent tetanus in new born babies;

(f) Distribution of handbooks containing guidelines and technical advice to local health teams concerning aspects of comprehensive health care for children under seven years of age;

(g) Founding of Friends of Children Hospitals in various regions of the country to promote observance of the 10 steps towards successful breastfeeding;

(h) Establishment of epidemiological watchdog committees to combat perinatal mortality;

(i) Provision of material and equipment to local authorities for the health care of children under 10 years of age;

(j) Proposed set of indicators making it possible to address the problems affecting the health of children under 10 years of age at all levels of the system;

(k) Drawing up of a proposal for regulating the new legislation concerning health care for children.

Hygiene and environmental health

(a) Obstacles and programmes

590. The increase in the incidence of acute respiratory diseases requiring both outpatient services and hospitalization is partly the result of the use of toxic substances, the introduction of pollutant industrial technologies, uncontrolled waste disposal and the inadequate protection of persons who handle food.

591. Home drinking water supplies continue to be inadequate given that public service corporations are unable to keep pace with the rapid rate of urban population growth. In rural areas, the environmental services continue to give cause for concern.

592. In view of this situation, the national Government has set out to remedy the poor sanitary conditions found among the Colombian population. The basic policy aim in this field is to raise the standard of health of the most economically deprived groups, improving the provision of environmental health services and the supply and quality of water for human consumption.

593. In order to achieve these objectives a national programme has been drawn up to monitor the quality of water for human consumption, under which the following activities have been carried out:

(a) Building up of the water quality and sanitation information system (SICAS) with the aim of developing a data base on all the country's water supply systems and the state of the basic sanitary facilities of localities that may present a risk of pollution to water for human consumption, to which end software has been commissioned and training workshops are being conducted for the implementation of SICAS in the various departments;

(b) Submission to the National Planning Department of the national programme to monitor standards of analysis in environment-testing laboratories (PACALA) for the purpose of accrediting and registering laboratories conducting analyses of environmental parameters (air, water, soil);

(c) Drawing up of the groundwater monitoring programme with the object of making hydrogeological surveys of areas where groundwater is used for human consumption, with a view to detecting and monitoring risks of pollution;

(d) On the occasion of National Water Day on 2 October 1992, launching by the Ministry of Health of the National Decade for the Protection of Catchment Areas, which will also link up institutions such as the Hydrology, Meteorology and Land Management Institute (HIMAT), the Institute of Natural Resources (INDERENA) and the National Planning Department (DNP) through the Regional Autonomous Corporations;

(e) As backstopping for the various regions and branch health services, transfers to the value of Col$ 416,212,000 for the fitting out of laboratories for water analysis and the provision of transport facilities;

(f) Likewise, the investment of Col$ 332 million for laboratory equipment, workshops on appropriate technology for the treatment of water, purification, the purchase of chlorine comparators and health education;

(g) Further to the National Decade for the Protection of Catchment Areas initiative, completion of a survey of discharges of liquid waste into the Calca and Magdelana river catchment areas.

594. In order to expedite the monitoring of air quality, measures have been taken to set up Special Environmental Health Units (UESAS) in areas of high industrial development, such as Sogamoso, Yumbo, Cartagena, and the coal-bearing area of Guajira.

595. The Guajira health service has similarly been provided with PM-10 specialized equipment to measure inhaleable particles in the coalmining area of Cerrejón Norte and equipment for the setting up of two stations to measure meteorological parameters such as wind direction and velocity.

596. Col$ 80 million have been spent on the purchase of highly-sensitive monitoring equipment to measure particulates in the air. The equipment has been distributed as follows: Metrosalud Medellin (3), Cali (2), Yumbo (1), Barranquilla (2), Cartagena (2), Bucaramanga (2), Sogamoso (2), Cundinamarca (2), Guajira (2) and central monitoring authority (1).

597. A draft decree has been prepared for the establishment of standards in relation to mobile sources of air pollution (motor vehicles). This draft was transmitted to the National Association of Industrialists (ANDI) and firms which assemble and import vehicles. Two committees have been set up to discuss regulations for new and used vehicles.

598. In furtherance of administrative decentralization, by Decision No. 7104 of 13 September 1992 the air pollution monitoring and control functions established in Decree No. 02/82 and Decree No. 2206/83 were delegated to the Sectional Health Services. In this connection, 598 files from firms were transmitted to the various health services as part of the formalities involved in obtaining the Health (Air) Authorization.

599. A National Cleanliness Survey has been undertaken in Colombia with the aim of identifying shortcomings and defining priorities in this sector. In this connection, inter-agency cooperation has been established with the Department of Drinking Water and Basic Sanitation within the Ministry of Development in order to define procedures for joint work.

600. A programme has been initiated for the appropriate disposal of hospital waste, which constitutes a means of transmission of pathogenic agents. Thus in some Colombian hospitals networks have already been set up for the collection of pathological waste, which is taken to strategic urban sites for incineration.

(b) Mental health programmes

601. Under the National Health Plan, conditions are being created to enable Colombians to develop a health culture, based on respect for life (one's own life, the lives of others and the lives of other species), and leading to the enjoyment of a better quality of life.

602. In addition, the National Health Plan, implemented by the Ministry of Health, provides for a new approach to mental health care, considering the situation of the individual in specific contexts. The aim is not only to detect somatic and behavioural irregularities, but also to treat them and prevent them from becoming chronic, through the rehabilitation of patients suffering from mental disturbances with a view to their reincorporation in society and productive activity.

603. In support of the above activities, projects, plans and programmes have been based on the formulation of a sectoral policy which takes account of the need to involve the State organizations, the private sector and the various social groups in the promotion and preservation of mental health. In addition, an attempt is being made to promote and enhance community efforts in this field and to organize an operational legal framework to support mental health activities.

(c) Reduction of infant mortality

604. One of the major changes has been the reduction in the infant mortality rate. In the 1930s, one of every three children born in Colombia died before reaching the age of one year. By the late 1950s that rate had fallen to 102 per 1,000, and in the 1960s and 1970s infant mortality declined to the average level for all developing countries. In 1988, the rate was 39 per 1,000.

605. However, the infant mortality rate is not the same throughout the country: mortality on the Pacific coast and in the National Territories is in the region of 110 per 1,000. Mortality is in fact higher in the smaller towns and villages and in the settlements furthest from the urban centres.

(d) Protection of environmental hygiene

606. Although activities to improve aspects of environmental hygiene have been under way in Colombia for a number of years now, they have not been developed in a harmonious fashion and have not had a significant social impact. For this reason, the Colombian Government, conscious of the need and the importance of such activities, promulgated Act No. 99 of 22 December 1993, "By which the Ministry of the Environment is established, the public sector responsible for the management and conservation of the environment and renewable natural resources is restructured, the National Environmental System (SINA) is organized and other provisions are enacted."

607. The most significant features of this Act include regulation of the following subjects:

(a) Bases of Colombian environmental policy;

(b) Establishment, objectives and functions of the Ministry of the Environment and the National Environmental System;

(c) Structure of the Ministry of the Environment;

(d) National Environmental Council;

(e) Scientific and technical support for the Ministry;

(f) Regional Autonomous Commissions (CARs);

(g) Income of the CARs;

(h) Environmental licences;

(i) Functions of the territorial entities and environmental planning;

(j) Methods and procedures of public participation;

(k) Enforcement action in environmental centres;

(l) Penalties and police measures;

(m) National Environmental Fund and Environmental Fund for Amazonia;

(n) Office of the Procurator for Environmental Affairs.

Because of its recent enactment, regulations are still being prepared on all aspects of the above-mentioned Decree.

(e) Treatment of epidemics

608. Health activities such as the prevention and control of cholera exemplify the successful results of the campaigns for the prevention and control of diseases. In its control programme, apart from the activities involving the prompt care of affected persons, the Government has given full priority both to the necessary financing and to the provision of the health infrastructure for the municipalities most seriously affected by this epidemic. In this programme resources totalling Col$ 6,458 million have been invested. All these activities have been of fundamental importance in preventing the spread of the epidemic.

609. The Government has promoted an AIDS control programme comprising strategies for the teaching and promotion of sexual health, the prevention of the transmission of AIDS, and surveillance of the evolution and characteristics of the problem. Investment in the programme has totalled Col$ 3,539 million. The programme provides, inter alia, for the training of 160,000 members of the community and 8,000 female sex workers, thus promoting participatory processes with multiplier effects as regards prevention.

4. Protection of elderly persons

610. The new Health Act endeavours to improve the living conditions of elderly persons by creating facilities for the provision of services to such persons, recovering their intra-family and social roles, preventing decline and illness through inactivity by making good use of leisure time, developing productive micro-enterprises, strengthening the self-help economy and extending the coverage of preventive services, and improving the equality of existing services.

611. In order to achieve these objectives, the following strategies are being put into effect:

(a) Enhancement of care capacity of primary-level institutions;

(b) Development of management capacity and participation of families and local organizations in the processes of risk control and integration of elderly persons;

(c) Training local-level political and administrative personnel in the formulation, execution and management of plans for recreation and occupation of leisure time; and

(d) Development of programmes of training in comprehensive health care for elderly persons, in private and public teaching institutions.

These strategies under the Care of the Elderly Plan are mobilizing investment resources and eliciting the participation of the education, labour and social security sectors, the Family Welfare Institute, and the State and private Equalization Funds.

5. Community participation

612. The new Colombian Constitution defines social participation as a priority policy of the State.

613. The Development Plan for the period 1990-1994 sets forth, in chapter 3, as a strategy of the Plan the principle that: "the participation of communities will play a fundamental part in facilitating large-scale access to the new programmes and controlling the quality of services, efforts being focused on the poorest sectors of the population and with the cooperation of the institutions closest to the people: the local and regional bodies strengthened by the decentralization strategy".

614. In the context of decentralization, the Plan takes the municipality as the focus for participation in health activities and provides that the municipalities will be the entities that plan, programme and execute drinking water and basic sanitation projects.

615. In addition, the municipalities are responsible for establishing the guidelines for the participation of the community in the monitoring and evaluation of the provision of services.

616. The social control function is defined in the following terms: "The users will contribute to quality control of services, freely selecting the public or private hospital that will treat them. In addition, they may participate in its administration, monitoring the appropriate development of the health system."

617. Chapter V of the Social Infrastructure Investment Plan states: "Priority will be given to the promotion of health and the prevention of diseases, with the aim of creating a health culture and strengthening the Participation of the community within the decentralization process."

618. The promulgation of Act No. 10 of 1990 sets new challenges in stating that health services must be provided on a decentralized basis and with public and community participation. On the basis of this Act, Decree No. 1416 was issued, broadening and elaborating on Decree No. 1216, which established the community participation committees as agencies for consultation, diagnosis, programming, control and supervision.

619. Decree No. 2164 of December 1992 reorganized the Ministry of Health and established the Sub-Directorate for Social Advancement and participation, with three divisions: Participation in Social Development, Advancement and Education, and Community Care.

620. The promulgation of Act No. 60 of 1993, on areas of competence and resources, generates new resources for health and provides for the concerted planning and social control of activities in the health sector. This Act has resulted in a number of achievements, among which the following may be highlighted:

(a) Experience gained in cholera control. Particular mention should be made of the health campaign on the Pacific and Atlantic coasts, with the participation and direct action of 4,000 volunteers, private enterprise and community organizations. This campaign led to the design and execution of micro-projects for the supply of drinking water, and the proper disposal of solid human waste and other waste as part of a basic sanitation programme. In urban and rural areas of Tumaco, 80 per cent coverage was achieved in the house-to-house education and prevention campaign;

(b) The mass vaccination campaign, with the involvement of 2,500 community participation committees and 50 councils;

(c) The training of 340 teachers in 132 municipalities and 32 departments;

(d) The training of 50,000 families in self-care and mutual care, the exercise of health rights and duties, and the social planning and management of health.

6. International cooperation and realization of the right embodied in article 12

621. The Ministry of Health is the body responsible for coordinating international technical cooperation for development of human resources and promotion of the transfer of science and technology.

622. Within the process of technical assistance and cooperation under multilateral and bilateral agreements with Governments, and international organizations and agencies, Colombia received the sum of US$ 3,188,759 in 1990. Of this total, US$ 1,663,632 was contributed by international organizations and agencies as a grant. The remaining US$ 1,525,127 represented funds provided through a World Bank loan for the National Health System Consolidation Programme, which is executing the Development Plan under Act No. 10 of 1990. These resources have been used to strengthen the development of national strategies to promote health for all by the year 2000.

H. Article 13

1. Institutional framework

623. Article 67 of the Constitution stipulates that education is a right of the individual and a public service which has a social function, further providing that:

> "The State, society and the family are responsible for education, which shall be compulsory between the ages of 5 and 15 and shall, as a minimum, comprise one year of pre-school education and nine years of basic education.
>
> Education shall be free of charge in State schools, without prejudice to the payment of fees by persons able to afford them.
>
> It shall be the responsibility of the State to regulate education and undertake inspection and supervision at the highest level."

624. Although the education sector has diversified in recent years with new training methods and with larger and different target groups, its administration and organization were in need of institutional, occupational and financial reform in order to promote its further development. The following legislation was accordingly promulgated: Act No. 60 of 1993 on distribution of areas of competence and resources; Act No. 30 on higher education and Act No. 115 of February 1994 (General Education Act).

625. The education policy proposed by the present Government, as formulated in the Educational Expansion Plan, set a number of priorities based on the following diagnosis.

626. In 1990, the indices for the questions considered were as follows:

COVERAGE			DROP-OUT		ENROLMENT				RETENTION	
					STATE		PRIVATE			
Pre-school	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary
13.16%	86%	46%	12%	9%	82.8%	62.4%	17.2%	37.6%	60%	40%

Resources:
(Rate of growth)

ESTABLISHMENTS								
PRE-SCHOOL			PRIMARY			SECONDARY		
Official	Private	Total	Official	Private	Total	Official	Private	Total
9.04%	4.22%	6.76%	1.70%	3.08%	1.84%	2.43%	1.39%	1.97%

ENROLLED PUPILS								
PRE-SCHOOL			PRIMARY			SECONDARY		
Official	Private	Total	Official	Private	Total	Official	Private	Total
7.8%	5.88%	5.74%	0.95%	2.14%	1.13%	2.76%	1.21%	2.16%

TEACHERS								
PRE-SCHOOL			PRIMARY			SECONDARY		
Official	Private	Total	Official	Private	Total	Official	Private	Total
7.18%	5.88%	6.40%	0.65%	2.22%	0.89%	2.25%	2.08%	2.18%

627. The following priorities were set:

- Establishment of a zero grade in all State schools;
- Guaranteeing places in primary schools for all children in rural and urban areas;
- Promoting greater educational quality and stability at the primary level;
- Achieving a massive increase in the number of places available at the secondary level;
- Establishment of a system of grants for master's and doctorate studies.

2. Decentralization of education

628. Since 1986 substantial efforts have been made to decentralize the education sector through Act No. 12 of 1986 and Decree No. 077 of 1987, which assigned functions and resources to the municipalities.

629. Supplementing these measures between 1988 and 1990, Act No. 24 of 1988 reorganized the Ministry of National Education, redistributing functions between the various local and regional levels, Act No. 29 of 1989 made mayors responsible for the administration of teaching and administrative personnel and education planning, and Decree No. 1246 of 1990 made municipalities responsible with regard to inspection and supervision and the configuration of curricula. Nevertheless, the implementation of these measures has not resulted in an orderly, coherent and effective process of decentralization.

630. In view of this situation, the National Government submitted and adopted Act No. 60 of 1993, which established the following areas of competence in the education sector: the central education authorities are responsible for formulating development objectives and policies; establishing technical, curricular and pedagogical standards; promoting, coordinating and financing national campaigns and programmes; advising and providing technical and administrative assistance to the local and regional entities and service-providing institutions; undertaking activities relating to inspection and monitoring, supervision and evaluation of plans and programmes, levels, coverage and quality of services; administering joint financing funds; and distributing tax revenue and the corresponding current income of the Nation.

631. The departmental authorities are responsible for administering tax revenue; advising and providing technical, administrative and financial assistance to the municipalities; and evaluating, monitoring and following up municipal action.

632. Lastly, the municipal authorities are responsible for undertaking educational activities through the administration of education services at the pre-school, basic primary, secondary and middle levels; financing infrastructure and supplies; and carrying out inspection, monitoring, supervision and evaluation of services.

633. Resources derived from tax revenue are distributed to the departments in the following manner: 15 per cent of the total value of tax revenue is shared evenly between 36 local and regional entities; 84.5 per cent is allocated with reference to the appropriate value in the national budget for 1993 for each department and district, for the provision of health and education services in such a way that their real value is maintained; and the remaining 0.4 per cent is allocated in the light of the number of enrolled pupils and non-enrolled pupils so that coverage is not only maintained but is also increased, and taking into account the tax effort of the department concerned and thereby encouraging the efficient management of resources.

634. Of the total tax revenue resources due to each department, a minimum of 60 per cent will have to be allocated to education and 20 per cent to health. The remaining 20 per cent will go to health or education depending on the goals of the department concerned.

635. For 1994 the total tax revenue is 1,510,384 million current pesos, of which Col$ 1,136,345 will be for the education sector; resources transferred to the municipalities in respect of current national income will amount to Col$ 886,355 million, of which a minimum of Col$ 265,905 million will be devoted to education.

636. It is important to emphasize in connection with the departmental distribution of tax revenue that no department will, in the financial year 1994, receive fewer resources in real terms than it received in 1993. In addition, the calculations for the allocation of resources were made on the basis of the coverage and quality goals established in the Development Plan. It may accordingly be stated that the Government has transferred functions to the local and regional bodies, and with them the resources for their financing.

637. Act No. 60 reorganizes the educational model, enabling the regions to administer services directly in accordance with their needs and priorities. It also allocates to them the necessary resources for efficient operation and gives priority to those which administer them adequately. By means of this new system for the education sector, it is hoped to improve service in terms of both efficiency, and coverage and quality.

(a) Joint financing

638. The Social Investment Fund will handle the resources allocated by the National Government for the joint financing of programmes and projects in such areas as education, recreation, sports, culture and care for vulnerable groups which are within the competence and initiative of local and regional bodies and are of special interest to the Nation.

639. It is important to emphasize that within this Fund provision is made for pre-investment resources and the continuing technical support of the Ministry of Education and the Fund, especially in those regions with the greatest shortcomings in terms of institutions.

640. For 1994, 172 billion current pesos have been allocated to the Social Investment Fund, of which Col$ 127 billion are for the education sector.

(b) Human resources

641. Bearing in mind that the education sector was very backward in the payment of social benefits to teachers, through Decree No. 2915 of 1991 Col$ 155 billion were allocated to the National Social Benefits for Teachers Fund; this amount was incorporated in the national budget for 1992. In addition, in the same financial year provision was made for Col$ 49 billion to pay the pension and social security debt for 1990 and 1991. Thus, since 1992, the necessary contributions have been made to enable this great debt to the education sector to be paid off.

3. General Education Act

642. Act No. 115 of 1994, the General Education Act, has laid the foundations for educational reform based on instruments for the improvement of the quality of education, such as giving schools autonomy to develop curricula, the compulsory nature of the institutional pedagogical plan and an assessment system extending to all components and players in the education process.

643. An outstanding feature is the unification, within basic education, of the two levels, primary and secondary, through the requirement that teaching staff should offer, either voluntarily or under agreements, the complete cycle of compulsory basic education. Other important features are the gradual return to the single school day and the creation of quality incentives. The Act also provides for numerous mechanisms for participation in the management of education at all administrative levels, including participation by schools.

644. The Act lays down the guidelines for the transformation of schools, teaching and apprenticeship. Particular attention should be drawn to the following:

(a) It promotes a new concept of education, which it views as a comprehensive and ongoing training process, from a cultural, social and humanistic perspective as a requirement to enable individuals to realize their potential, assuming and assimilating the cultural factors necessary to play an intelligent part in society;

(b) It focuses on the student as the centre of the educational process in providing him with mechanisms for participation in his own educational process, in the formulation and adaptation of the Institutional Education Plan, and in school government;

(c) It establishes school autonomy, which means not only the construction and adoption of the Institutional Education Plan, but also a conception of the curriculum which, on the basis of the general guidelines laid down by the Ministry of Education, will have to be adjusted to cultural-ethnic needs and to the scientific and technological development of regions and municipalities;

(d) It links science, schooling and research with the adoption of policies in establishing the National Board of Education with these characteristics;

(e) It promotes, at the level of the local and regional bodies, community participation with the establishment of the departmental, district and municipal boards of education having the functions of advisory bodies and public supervision.

4. Programme for the expansion of education and improvement of the quality of secondary education

645. In 1980, approximately 1,733,192 students were enrolled in basic secondary education; the figures for 1985 were 2,093,164, for 1990 2,334,299 and for 1993 2,792,110. In the same years, there were 4,106, 6,209, 6,844 and 6,518 schools and 85,135, 105,282, 117,291 and 133,567 teachers.

646. The programme for the expansion of education and improvement of the quality of secondary education seeks to raise the average attendance rate of Colombian pupils, a rate which, despite the progress achieved, still falls short of national expectations.

647. What is involved is a Comprehensive Education Programme which promotes efforts to establish regional objectives for the defence and strengthening of the values of the regions' culture and is intended to consolidate a high degree of participation and cooperation on the part of all parties involved in education, culture and sport. The programme provides the municipalities with the necessary assistance to enable them to offer the public the possibility of entering the education system in greater numbers, remaining in it for more years and obtaining, during their time at school, a better-quality education. The programme has the following objectives:

(a) To increase the coverage of basic secondary education and middle-level vocational education;

(b) To improve efficiency in the use of existing resources;

(c) To raise the standard of basic secondary education and middle-level vocational education;

(d) To increase municipalities' capacity to plan and administer education, facilitating the formulation and execution of secondary education development plans.

648. With regard to coverage, as a result of the plans promoted by the State in recent years, the numbers of children attending primary school have grown significantly, resulting in an increase in the number of pupils able to go on to secondary education. However, there are numerous obstacles impeding this step, especially the difficulties encountered by teenagers in finding work.

649. In order to facilitate continuation to good-quality secondary education, the programme is developing three basic strategies:

(a) Seeking greater efficiency in the use of available resources;

(b) Offering scholarships to needy young people in order to encourage them to pursue their secondary studies in the private sector;

(c) Expanding the secondary education infrastructure.

650. In addition to the increase in coverage and the improvement of quality, the programme will help to enhance the capacity of municipalities and departments to plan, execute, control and evaluate their educational development plans.

651. As to sources of financing, the State grants an 80 per cent subsidy for textbooks, municipal educational resource centres, teaching materials and further training of human resources, while the municipalities provide 20 per cent. In addition, the State provides an 80 per cent subsidy for

secondary scholarships, the remaining 20 per cent being paid by the municipalities. Support for the Institutional Quality Improvement Plans will be financed by the State, through the Ministry of National Education.

652. FINDETER, through loans, and FIS are financing the construction, extension and repair of physical facilities. For the construction and expansion of facilities, the loan agreement with FINDETER covers 50 per cent of the total cost of the project; the State is making available a 30 per cent subsidy (grant) to the project, the remaining 20 per cent being provided by the municipalities. In the case of repairs, the State grants an 80 per cent subsidy, while the municipalities have to finance the remaining 20 per cent.

5. National Education for Democracy Project

653. The National Education for Democracy Project is the result of the demands of Colombian society for the strengthening of practices, attitudes and behaviour conducive to genuinely democratic coexistence. Consequently, the Ministry of National Education, in the context of Act No. 115 of 1994 - the General Education Act, is working on the design, development, follow-up and evaluation of a project which takes as its starting-point study of the problem of democracy in schools and its impact on everyday existence.

654. The National Education for Democracy Project is intended not only to lead to a study programme as a fundamental and compulsory subject, but also to ensure that culture and everyday school activity become the subject of study both for teachers and for the educational community. In this context fundamental subjects for analysis include the area of human rights, the relationship between public and private interests, and the dynamic interaction between society and the State.

655. For the purposes of the organization of the project, meetings are held with various academic entities, such as faculties of education, political institutes, universities and non-governmental organizations.

6. Comprehensive Prevention and Youth Advancement Programme

656. This programme constitutes a response to the need to develop processes of training and comprehensive prevention in children and young people as a strategy in the face of the risk factors which are conducive to the consumption of psycho-active substances. National investigations conclude that young people between the ages of 13 and 18 constitute the most vulnerable group and that 9 out of every 100 secondary-school pupils have consumed an illegal psycho-active substance. The programme currently covers 25 departments, reaching some 19,000 youth groups, 140 productive groups and 1,600 creative youth organizations. It is being developed in conjunction with the Office of the President of the Republic, and the Ministries of Communications, Health and Justice as part of the National Prevention of Drug Addiction Plan.

657. It receives cooperation resources from the United Nations and the national budget, and is being carried out in conjunction with UNDP.

7. Comprehensive education project for young offenders

658. As a component of the Comprehensive Prevention and Youth Advancement Programme, a specific educational project has been set up for this group through relevant teaching to enable children and young people excluded from the education system to receive academic training which will further their development.

659. During 1993, in conjunction with the Colombian Family Welfare Institute, juvenile court judges, family advocates, educators, re-education institutes, social workers and the Ministries of Health and Labour, three regional workshops were held for the purposes of implementation of the project, which has a budget of Col$ 180 million for 1994.

8. Comprehensive programme for the prevention of child abuse

660. For more than 30 years, the "child abuse syndrome" has been spoken of as a psycho-medical category comprising a number of symptoms showing a continuous pattern of violence towards the child. Child abuse occurs in conditions specific to each country, to each region, to each social sector and even to each family or any other area of socialization. It occurs in three basic circumstances: outright rejection; neglect or inability to make good deficiencies; emotional ambivalence on the part of adults.

661. Formulation of this project within the Ministry began in 1993, with the objective of undertaking educational and participatory work to generate opportunities for the development of potential and to find alternative forms of co-existence and appropriate forms of treatment of schoolchildren, facilitating the comprehensive development of these children and of the persons responsible for their training and care.

662. The target population is made up of the educational families at the basic primary and basic secondary levels of State schools.

9. Ethno-education programme

663. Ethno-education activities are in keeping with the priorities and projections of the National Government and of the ethnic groups, and are aimed at seeking an education which meets the interests and needs of each group in particular, in the context of intercultural and bilingual action geared to respect and development of cultural identity.

664. The ethno-education plans and programmes conform to the general guidelines which are based on the legislation in force.

665. The programme is organized on the basis of the following components: training of indigenous and non-indigenous teachers and community members; development of applied research; curriculum design; design and production of educational materials; counselling, follow-up and evaluation.

I. Article 14

1. Universalization of primary education

666. As already stated, primary education coverage in Colombia in 1990 was approximately 86 per cent. Between 1990 and 1994, enrolment in primary schools rose from 4,246,658 to 4,754,287, an increase of some 500,000. The annual rate of growth of primary enrolment during the period was 2.8 per cent, while the growth rate of the population in the primary education age-group was 0.2 per cent.

667. The efforts being made under the universalization programme to increase the coverage of primary education and discourage dropping out were reflected in the provision of furniture for 17,604 schools and the improvement and reconstruction of facilities at 4,100 establishments. During the period 1990-1994, 2 million pupils were supplied with textbooks and 102,000 teachers were trained. The universalization programme covered 900 of the country's municipalities. During this period increased efforts were made to improve quality, which is reflected in the priority given to investment in teacher training and the supply of textbooks and materials with resources from Credit 3010. Between 1991 and 1994 Col$ 105 billion was invested in the primary education universalization programme.

2. Basic plan for initial education

668. Enrolment in basic primary education was 4,102,193 in 1980, 4,029,329 in 1985, 4,246,658 in 1990 and 4,754,287 in 1994. The number of educational institutions in these same years was 33,557, 36,787, 40,340 and 43,158. The number of teachers was 13,832, 135,742, 141,936 and 146,957 respectively.

669. A fundamental aspect was the attention given to the education of children under the age of seven, in recognition of the effects that laying a solid educational basis in a child's first years of development has on its subsequent ability, both in the short and in the long term.

670. Policies and programmes are therefore designed to provide administrative, teaching and financial conditions to enable children in both urban and rural areas to have access to the experience of educational achievement and preparation, which is the basis for better performance at subsequent levels.

671. It is worth noting the close coordination in the design and execution of the programmes with the Colombian Family Welfare Institute (ICBF) and the Ministry of Health. The education authorities are also working with the Presidency of the Republic on the formulation and introduction of the national plan for children in the educational sector.

672. The Ministry of National Education has been implementing the plan for the universalization of basic primary education through the Directorates-General of Planning and Education, the Special Task Force (UET) and the National Executive Secretariat, each being responsible in its own field for the planning and programming of the project, the design of curriculum strategies, the specification of teaching aids, publications and physical infrastructure for the services to be provided, financial execution and operational and regional coordination.

673. During the period 1989-1993, the following results were achieved:

(a) Teacher training. For an investment of Col$ 3,195,999,000, 102,817 teachers were trained, representing 72 per cent of the total, of whom 48,817 were rural and 60,000 urban;

(b) Supply of textbooks. For an investment of Col$ 12,548,119,834, the following measures were taken:

- (i) Provision of 854,479 sets of New School textbooks for 1,800,000 pupils in rural areas, i.e. 100 per cent of the existing school population;
- (ii) Provision of 102,817 handbooks for rural and urban teachers, representing 72 per cent of the total;
- (iii) Provision of 29,154 libraries, for 100 per cent of rural schools;
- (vi) Provision of 2,909,463 textbooks for 2,100,000 pupils in grades 1 to 5 in urban areas, representing 90 per cent of the total;
- (v) Provision of 50,247 mini-libraries in urban areas, representing 100 per cent coverage;

(c) Provision of school furniture. Investment of Col$ 21,164,155,189 made it possible to supply desks for 1,362,649 pupils, 861,949 in rural areas (65 per cent) and 500,700 in urban areas (50 per cent). Desks were also provided for 59,318 teachers, 26,138 rural (65 per cent) and 33,000 urban (50 per cent);

(d) Civil engineering. Coverage in this area was 5,269 rural schools (50 per cent), representing an investment of Col$ 15,607,039,000;

(e) Expansion of coverage. Resources amounting to Col$ 10,213 million were used to finance 4,396 educational projects in all departments;

(f) Creation of rural teaching posts. Two thousand, seven hundred and twenty-three teaching posts were created at an annual cost of Col$ 5,000 million. Provision has been made for the programme to be fully financed by the National Government (Ministry of Education) for three years from 1993;

(g) Studies and research. For an investment of Col$ 1,120 million, studies have been carried out on subjects relating to primary education, which also affect the other levels of the national educational system, in order to help with decisions on the country's educational policy. Among these studies it is worth mentioning, among others, the national system for the evaluation of the quality of primary education and the sectoral project on secondary education in Colombia;

(h) Technical assistance. Resources were allocated for technical assistance to the plan as a whole, i.e. the operation of the National Executive Secretariat, the Section Secretariats and the Special Task Force (UET).

3. Introduction of grade 0

674. The Educational Development Programme proposed the introduction of a transitional year between home and the first year of primary education, in order to reduce the repeat rate in primary school and help raise the quality of education. The programme now covers 385,000 children Although it has shown itself to be a successful option for the purposes for which it was developed, the number of classrooms and teachers that could be released for the programme was overestimated, as a result of over-optimism about the efficiency of primary education. With fewer classrooms and fewer teachers, the cost of the programme per pupil was higher, and the Government therefore allocated substantial resources to the programme, without which the initial coverage targets would not have been achieved. (The programme target for the period 1990-1995 was 630,000 children, representing 90 per cent of six-year-olds. The total cost of the programme was estimated at Col$ 15,175 million in 1993.)

4. Other strategies

675. In conjunction with the ICBF, implementation of the Programme of Family Education for Children's Development (PEFADI) has continued in rural areas, achieving a coverage of 600 municipalities and 11,000 organized family groups.

676. In urban areas, in coordination with the Ministry of Health, community education activities are being undertaken in order to attack the causes of infantile morbidity and mortality, through the participation and training of all students in the tenth grade of secondary vocational education.

677. Support is also being given to the teaching component in family welfare children's homes and to the training of New School teachers in strategies for children's survival and development.

678. In addition, the SURVIVE programme for the improvement of family health education worked with 5,500 colleges, 17,000 teachers and 350,000 ninth and tenth grade pupils in 1994.

679. In 1989 the physical targets achieved were as follows:

Number of municipalities covered:	483
Number of villages covered:	2,529
Number of young people and adults participating:	56,732
Number of children indirectly benefiting:	107,760
Number of institutional educational agents:	7,481
Number of family education groups:	5,121
Number of community leaders and monitors:	9,401

680. The figures for 1991 were:

Number of young people and adults:	700,000
Number of children benefiting:	150,000

681. Budgetary expenditure. For initial education, Col$ 6,994 million. For grade 0, Col$ 694 million. For primary education, Col$ 217,199 million. For secondary education, Col$ 188,170 million. For adult education, Col$ 18,375 million. Total investment in the programme: Col$ 431,435 million. In 1994 the coverage will extend to a million young people and adults in marginal rural and urban areas, for a total investment of Col$ 928,020 million.

5. Informal and adult education

682. In the implementation of this programme the principles of decentralization, deconcentration and delegation of administration are applied, in the following activities: literacy teaching and encouragement of reading and writing, basic and secondary education for adults, and comprehensive community and informal education with non-school options. This programme has put into operation the policies set out in the educational expansion plan, which are regarded as directly related to the remedial nature of popular education for young people and adults.

683. In 1991, the programme had Col$ 851,000,110 for investment and its operating budget amounted to Col$ 1,778,225,000. In 1992, the investment budget was Col$ 1,188,800,000 and the operating budget Col$ 1,923,802,000.

684. In the last two years changes of an administrative nature have entailed a readjustment of policies, objectives and functions, which had been governed up to the end of 1992 by the four-year plan (1990-1994). This plan will nevertheless continue financing the programme up to 1996.

685. Despite these changes, the fundamental aim is still to reduce illiteracy rates and expand basic education for young people and adults.

686. Results achieved: 75,000 young people and adults taught to read and write.

6. Education for the prison population

687. In view of the fact that education is a fundamental factor in the social rehabilitation of the offender and since prisoners are among the 7,000 Colombians who have never entered or completed formal basic primary education, there are educational programmes for them.

J. Article 15

1. Right of everyone to take part in cultural life

688. The social and cultural environment and the historical period in which institutions operate determine to a large extent their characteristics and functions.

689. Since culture is a vital form of expression, enabling different human groups to achieve a sense of identity, the Colombian Culture Institute, which is responsible for cultural activities, has been adapting to the new situation in the country in order to channel, promote and propagate the cultural wealth of Colombians, both as individuals and as members of a group, in an effective manner.

690. One of the factors that unquestionably affect the Institute's functions is the provision in the 1991 Political Constitution which gives autonomy to the territorial entities and in the case of culture lays down a guideline for specific action with regard to independent management of the multiplicity of different cultural manifestations in each of the regions.

691. The constitutional provisions are as follows:

(a) Article 70. "The State has a duty to promote and encourage access to culture for all Colombians on an equal footing through permanent education and scientific, technical, artistic and vocational instruction at all stages in the process of the creation of a cultural identity. Culture in its different artistic manifestations is the foundation of nationality. The State recognizes the equality and dignity of all cultures coexisting in the country. The State shall promote research into and knowledge, development and dissemination of the nation's cultural assets";

(b) Article 71. "The quest for knowledge and artistic expression are free. Economic and social development plans shall promote the sciences and culture in general. The State shall create incentives for persons and institutions engaging in these activities";

(c) Article 72. "The cultural heritage of the nation shall be protected by the State. The archaeological heritage and other cultural assets contributing to the national identity belong to the nation and are inalienable, unattachable and indefeasible. The law shall establish procedures for regaining possession of them when they are owned by private individuals and shall regulate any special rights held by ethnic groups settled in areas of archaeological wealth".

692. Regulations designed to give effect to article 72 of the Constitution are at present being drawn up. For this purpose, Colcultura is preparing a comprehensive cultural heritage project designed to preserve goods and property in accordance with the proposals submitted by the bodies responsible for their protection.

693. In addition, following public meetings attended by creative artists and cultural managers, the publication of the books "Compilation of Current Cultural Laws" and "Criticism of Cultural Legislation" and the forum held at the National Congress last November, the Colombian Cultural Institute has drafted a law entitled "Living Cultures" in order to develop the cultural rights set forth in Colombia's most recent political constitution.

694. Given that there are laws on the professional status of the artist, the establishment and operation of the Artists' Social Security Fund, promotion of the plastic and performing arts, promotion of Colombian literature, standards for cultural performances and promotion of the film industry, practical action and proposals have been adopted to regulate different cultural activities and guarantee and realize the right of everyone to take part in the cultural life he considers appropriate and to give expression to his own culture.

695. The State has various resources for financing the many kinds of cultural and protection activities and encouraging different manifestations, as we shall see below: nevertheless, law No. 6 of 1992 made provision for the possibility of involving the private sector in cultural activity; it allows tax deductions for donations to non-profit-making bodies, which gives the business sector and private organizations an incentive to encourage the various cultural and promotional activities undertaken by such bodies.

696. Article 44 of the 1991 National Constitution calls for the development of the cultural rights of children and young people. Regulations to give effect to that provision are being considered for discussion by the National Congress.

697. The Constitutional Court has had the following to say about the right to participate in cultural life:

> "In the first place, it is necessary to point out that the economic, social and cultural rights promoted at the constitutional level during the first decades of the century and known as the second generation of human rights have not been incorporated into the legal order of the constitutional democracies simply because they are considered an additional element of protection. The reasons for the existence of such rights is that a minimum level of enjoyment of these rights is a prerequisite for the enjoyment of civil and political rights. To put it another way, without the satisfaction of some minimum conditions of existence, or in the terms of article 1 of the Constitution, without respect for 'human dignity' as regards the material conditions of existence, any aspiration to the traditional rights of freedom and formal equality established in the Constitution, title II, article 1, would be reduced to no more than an empty formality, described ironically by Anatole France when he said that any Frenchman had the right to sleep under a bridge. Without effective exercise of economic, social and cultural rights, civil rights are a charade, and conversely, without effective exercise of civil and political rights, economic, social and cultural rights are meaningless."

And the Constitutional Court concludes by isolating cultural rights from the mere general formulation and converting them into a principle, "which makes them rules to be applied immediately, both for the legislator and for the constitutional judge" (finding T406 of June 1991).

698. A general analysis of the activities promoted by the Colombian Cultural Institute will show how the provisions of the International Covenant on Economic, Social and Cultural Rights have been complied with.

699. Back in 1984 the Colombian Cultural Institute set up departmental culture councils promoting community participation as a fundamental element in the success of decentralization. With the establishment of the culture councils in the past year, 94 per cent of the national territory was covered in a joint effort with the corresponding regional authorities.

700. In order to implement the cultural programmes proposed independently by the regions, joint culture funds were in turn set up to channel resources for their financing. In the period 1993-1994, 13 more were established in different regions of the country, each being given Col$ 100 million, which, added to contributions from the departmental government and private business, resulted in a total investment of Col$ 2,300 million.

701. Colcultura is conscious of its responsibility for ensuring that regional culture plans are duly put into effect and therefore regards the training of human resources as an unquestionable priority.

702. The documents "Criteria for the allocation of resources by joint funds for the promotion of culture and the arts" and "departmental plan for cultural development" reflect the emphasis placed on cultural decentralization through these regional bodies.

703. In 1993 Col$ 122 million was invested in training, including business management training, for cultural organizations and enterprises in order to benefit from the multiplier effect of the work of cultural managers.

704. The magnitude of this undertaking was reflected in the fact that 360 cultural managers received direct training in their individual regions. They participated in regional cultural management workshops with delegates from all over the country, who attended the cultural management workshop organized with the University of the Andes, for the purpose of continuing the work done at the international level by the International Cultural Management Meeting, which was attended by 16 countries.

705. Similarly, within the formal education system, a document entitled "For a possible world" was drawn up with the regional universities, which establishes the conceptual basis and design for the national management training plan, which will make it possible to produce professionals specializing in this subject within a short time.

706. Colcultura's activities are not confined to these persons; decentralization covers each and every one of the groups that in one way or another have access to cultural activity.

707. One of the Institute's leading programmes since 1991 has been the programme of national cultural fellowships and prizes, which in different ways encourages the processes of research and creation among the people of Colombia. In 1993, by means of public calls for nominations, 21 national prizes and 10 mentions were awarded, for a total value of Col$ 130 million, in the areas of literature, music and graphic design, together with 127 fellowships for representatives of 17 departments, totalling Col$ 909 million.

708. With a view to achieving greater coverage in the calls for nominations, the range of disciplines was extended this year to include: anthropology, graphic design, history, literature, music, cinema and oral literature, the total value of the prizes and fellowships being Col$ 1,485 million.

709. Under the national plan and the sectional development plans, Colcultura has concluded various contracts with non-profit-making organizations concerned with cultural promotion and development. The Ibero-American Theatre Organization of Bogota, the Colombian Association of Cultural Centres, the Museum of Modern Art in Bogota, the Popayán Religious Music Festival, the Institute of Culture and Tourism of the Department of Guaviare, the Huila Cultural Institute, the International Theatre Festival Association of Manizales and the Recreational and Cultural Centre of Urabá Chocoano are some of the 72 bodies with which the Institute has concluded contracts with a total value of Col$ 2,300 million.

710. In accordance with the policy of integration, by which the country can reaffirm its own culture, consolidate its identity and engage in cultural exchanges with other countries, Colcultura promotes the attendance of various national exhibitors at different international events to which they are invited.

711. Some of the events at which Colombia was represented in 1993 include the Seventh International Book Fair at Guadalajara, Mexico, the Fifth Biennial in Havana, Cuba, the St. Petersburg Folklore Festival in Miami, "Colombia en Portada" in Madrid, Spain, Camaguey International Festival, Cuba, and the Ibero-American Music Council in Madrid. In addition, it participated in bilateral agreements with countries such as Cuba, Panama, Peru, Venezuela, El Salvador, France, Spain, Argentina, etc.

712. A matter of concern to the present Government is the lack of programmes specifically aimed at children and young people. It has therefore launched a project for a cultural and ecological park for children, based on the National Park Theatre in the capital of the Republic. The Institute has allocated Col$ 700 million for the remodelling and extension of the park's existing theatre and for construction of the library and music and theatre workshops.

713. With a view to promoting cultural activity, providing meeting places for people and helping to strengthen democracy, Colcultura has contributed Col$ 175 million to the CREATE programme, in which 55,000 aficionados, creative artists and performers have been involved.

714. Over the period 1993-1994, it held 120 municipal meetings in 920 municipalities all over the country (89 per cent coverage), 30 departmental meetings and 4 regional meetings attended by 350 people active in the arts from all parts of the country in the headquarters towns of Quindio, Cauca, Bolivar and Santander.

715. Last June, the first CREA Cultural Meeting was held at Santafé de Bogotá with the participation of 300 people active in the fields of rock, theatre, education through play, music, oral story-telling, poetry, alternative communication, applied arts, plastic arts and popular arts.

716. Street theatre, band conducting, arrangement techniques, and choir organization and conducting are some of the activities being carried on in different regions of the country.

717. The National School of Dramatic Art holds its regular courses and organizes various seminars and workshops, co-productions, events and festivals for student groups in the country's capital.

718. Four hundred and fifty persons have also been trained for public libraries in 21 departments and 306 from 27 departments at 17 workshops arranged by the National Culture Plan.

719. The Colombian Symphony Orchestra and the National Band give 90 concerts during their annual season, for a total audience of some 100,000. This programme is supplemented by the plan for the promotion of young performers.

720. One of the most gratifying results for the Institute is the preservation (at an approximate cost of Col$ 78 million of Colombia's musical heritage - indigenous and performance music, Colombian classics of the twentieth century and performances by the children's and young people's choir, recorded on compact discs, which are becoming an important part of Colombia's musical heritage.

721. For an investment of Col$ 900 million it has been possible to keep 48 concert halls operating in 17 of the country's cities, with the primary aim of programming activities for the community, absolute priority being given to children and young people, the old and the physically handicapped.

722. The sum of Col$ 302 million was used to launch a project for restoring and converting the physical facilities of the old Penitentiary of the Sovereign State, now the National Museum of Colombia, with a view to establishing conditions for the Great National Museum project, the aim of which is to set up a major cultural centre in the heart of Santafé de Bogotá. The estimated cost of the first two stages is Col$ 8,000 million.

723. With a contribution from the National Government of Col$ 241,972,000, Colcultura, in association with the National Road institute and the Spanish Government, undertook consultancy, inspection and general coordination in connection with the restoration of the colonial wing of the Cartagena Naval Museum.

724. Significantly, it has proved possible to secure the return of important pieces from the group of stone sculptures which were stolen from San Augustín Archaeological Park in 1988.

725. Colcultura has participated in the reconstruction and restoration of the San Francisco Colonial Church and the Popayan Municipal Theatre.

726. Under the agreement between Colombia and the United States on prevention of the illegal traffic in archaeological items, the first catalogue of Colombian archaeological items affected by the illegal traffic was prepared in 1993.

727. With regard to the development, encouragement and management of research projects for systematic investigation of the various ethnic and regional, rural and urban groups, research programmes have been undertaken into models of cultural transmission, anthropology and health, urban problems, indigenous languages and the linguistic heritage, social conflict and cultural models, religion and culture, etc.

728. Conscious of the function that the State performs in providing television broadcasts, as a commitment that has to be fulfilled in a worthy manner, the Institute has continued broadcasting programmes in line with the common and express interests of Channel 3, the regional channels and Colcultura. The basic aim of Colcultura's programming structure on Channel 3 is to reach out to Colombian society, with a view to contributing to its recognition in all its diversity, its sense of belonging and the affirmation of its cultural identity. It is also seeking to establish a visual record of the most important events and activities in the national culture.

729. These programmes go out for eight and a half hours a day, totalling 3,200 hours in the course of the year.

730. With a view to supporting regional programming and combining efforts to promote cultural diversity and encourage mutual recognition, an agreement was signed in April 1994 between the regional channels (Teleantioquia, Telecaribe, Telepacífico, Telecafé) and Audiovisuales. The following projects are being undertaken under this agreement:

(a) Coproduction of a full-length film on the life and work of Lucho Bermudez. Telecaribe, Teleantioquia and Telepacífico are involved in the production;

(b) Production of a documentary series recording the historical, social and cultural development of the city of Medellín. This series is a coproduction by Teleantioquia, Colcultura and Juan Guillermo Arredondo, the director of the series.

731. Colcultura and the Television Programmer of Valle University (UVTV) have signed the following agreements:

(a) Production of a documentary series recording the historical, social and cultural development of Cali, under the direction of Luis Ospina;

(b) Production of 11 documentaries which UVTV will make available to Colcultura for transmission during its Channel 3 time;

(c) Production of three documentaries under the title "Sea Voyages", directed by Maria Victoria Arias, under an agreement between the Merchant Seamens Union, UVTV and Colcultura.

732. In addition, the Institute will be involved in the series "Pre-Colombian America" promoted by French Overseas Radio and Television, which is being produced in collaboration with the Central American countries and Peru.

733. Colcultura, Audiovisuales, the French Ministry of Foreign Affairs, Rush Production, Paris, and the Autonomous University of Mexico reached agreement last May on co-production of a full-length feature on the life and work of the writer Alvaro Mutis, directed by Luis Alfredo Sánchez, which will be broadcast as a television special on Channel 3.

734. Colcultura and Telecom are working on an inter-agency project to produce a series of documentaries about the Colombian borders.

735. Studies are being carried out with a view to the implementation of a Latin American and Caribbean Cultural Information System (SICLAC) network that will enable the country to improve the supply of information at home and throughout the continent, and also to know what is happening in other participating countries.

736. Colcultura has two professional training centres in the areas of theatre and restoration:

(a) National School of Dramatic Art (ENAD): The school covers the areas of theatre, corporal expression and directing, and issues certificates for the semesters attended;

(b) National Centre for Restoration: This Centre has provided training for oil painting, woodcarving, sculpture and engraving, in courses of one or more semesters. As from the second semester, arrangements can be made with the Open University of Colombia to begin a vocational course in this field recognized by the Colombian Institute for Higher Education (ICFES). Many workshops, seminars and courses are held during the year, providing decentralized specialized training in the regions.

2. Right to enjoy the benefits of scientific progress

(a) Science, technology and environment

737. Pursuant to Act No. 99 of 22 December 1993, the Ministry of Environment is being established, the public authorities responsible for the management and conservation of the environment and renewable natural resources are being reorganized and the national environmental system (various standards and activities, programmes and institutions permitting implementation of the general environmental principles contained in Act No. 99/93) is being put into operation.

738. With the Ministry acting as the environmental policy-making body, steps are being taken to set up 16 autonomous regional corporations which, together with the 18 existing corporations, will have the function of executing the Ministry's guidelines and coordinating environmental management with the local and regional bodies.

739. Some of the general principles underlying Colombian environment policy are: "Population policies shall take into account the right of human beings to a healthy and productive life in harmony with nature", and "Environmental policy formulation shall take into account the results of scientific research. However, the environmental authorities and private individuals shall apply the precautionary principle that, when there is a risk of serious and irreversible damage, the lack of absolute scientific certainty shall not be used as a reason to postpone the adoption of effective measures to prevent environmental degradation".

740. In addition, the following bodies will be set up and entrusted with the task of providing scientific and technical support for the Ministry of Environment:

(a) The Institute of Hydrology, Meteorology and Environmental Studies (IDEAM);

(b) The José Benito Vives de Andreis Institute for Marine and Coastal Research (INVEMAR);

(c) The Alexander von Humboldt Institute for Research on Biological Resources;

(d) The SINCHI Amazonian Institute for Scientific Research;

(e) The John von Newmann Institute for Pacific Environmental Research.

741. The Ministry of Environment will also receive scientific and technical support from the environmental research centres, the public and private universities, and in particular the Institute of Natural Sciences of the National University and the University of Amazonia.

742. It should be noted that one Ministry department directly involved in dealing with problems of pollution and controlling the degradation of ecosystems is the Sectoral Environmental Directorate, which has responsibility for granting environmental licences for sectors or activities with a high environmental impact, such as the oil industry, large hydroelectric plants, deep-water ports, etc.

743. The licence is a means of conserving and ensuring proper use of natural resources; its issuance requires the presentation of mitigation, preservation and restoration plans, which permit follow-up of projects by the Ministry.

(b) Measures taken to promote the dissemination of information on scientific progress

744. An essential prerequisite for financing science and technology research projects with State funds is that "Any project submitted to the Technical Secretariat of the National System of Science and Technology - Colciencias - must clearly specify a strategy for disseminating the results", this condition representing a contractual undertaking between the recipient entity and Colciencias.

(c) Measures regulating the application of scientific progress

745. The modernization of society and the economy in Colombia means strengthening scientific capacity and encouraging technological innovation. The national Government has brought into effect Act No. 29 of 1990, which "provides for the promotion of scientific research and technological development, and grants special powers".

3. System for the protection of intellectual property rights

746. With regard to intellectual property, the Government has applied a series of measures aimed at strengthening both the legal arrangements and the administrative entities responsible for the promotion and protection of intellectual property in Colombia. Thus, Colombia participated actively in the drafting of Decision No. 344 of the Commission of the Cartagena Agreement establishing common rules on industrial property, which protects all the countries members of the Andean Pact, and national regulations are being developed on that basis. As for matters of copyright, the regulatory framework is provided by Decree No. 2041 of 1991, which establishes the National Copyright Agency as a special administrative unit, and by Act No. 44 of 1993, which amends and supplements previous legislation. In addition, Colombia is a party to the Berne Convention and a member of the World Intellectual Property Organization.

4. Measures for the conservation, development and dissemination of science and culture

747. The provisions in the Constitution relating to the educational system are:

(a) Article 61: "The State shall protect intellectual property for the period and by the means established by law";

(b) Article 68: "Private individuals may found educational institutions. The law shall establish the conditions for their establishment and management.

> The educational community shall participate in the management of educational institutions.
>
> Teaching shall be the responsibility of persons of recognized moral and pedagogical aptitude. The law shall guarantee the professional nature and status of teaching as an activity.
>
> Parents shall have the right to choose the kind of education they wish for their under-age children. No one shall be obliged to receive religious education in State schools.
>
> Members of ethnic groups shall have the right to education which respects and develops their cultural identity.
>
> The eradication of illiteracy and the education of persons with physical or mental disabilities or exceptionally gifted persons are special obligations of the State."

(c) Article 69: "University autonomy shall be guaranteed. The universities may set their own regulations and be governed by their own statutes, in accordance with the law.

> The law shall establish special arrangements for State universities.
>
> The State shall promote scientific research in the official and private universities and shall offer special conditions for its development.
>
> The State shall provide financial mechanisms for all suitable persons to have access to higher education."

(d) Article 70: "The State shall be bound to promote and encourage access to culture for all Colombians on the basis of equal opportunity through continuing education and scientific, technical, artistic and professional teaching at all stages of the process of creation of the national identity.

> Culture in its various forms is the foundation of nationality. The State shall recognize the equality and dignity of all those living together in the country. The State shall promote research, science, development and dissemination of the cultural values of the nation."

(e) Article 71: "The quest for knowledge and artistic expression are free. Economic and social development plans shall promote the sciences and culture in general. The State shall create incentives for persons and institutions which develop and promote science and technology and cultural endeavours, and shall offer special encouragement to persons and institutions engaged in such activities."

(f) Article 72: "The cultural heritage of the nation shall be protected by the State. The archaeological heritage and other cultural assets contributing to the national identity belong to the nation and are inalienable, unattachable and indefeasible. The law shall establish procedures for regaining possession of them when they are owned by private individuals and shall regulate any special rights held by ethnic groups settled in areas of archaeological wealth."

(g) Article 73: "Journalism shall enjoy protection to guarantee its freedom and professional independence."

(h) Article 74: "All persons shall be entitled to have access to public documents except in the cases prescribed by law. Professional confidentiality is inviolable."

(i) Article 75: "The electromagnetic spectrum is an inalienable and indefeasible public asset subject to State management and control. Equal opportunities in respect of its use shall be guaranteed on the terms fixed by the law.

> In order to guarantee journalistic pluralism and competition, the State shall take action under the law to prevent monopolistic practises in the use of the electromagnetic spectrum."

Article 76: "State intervention in respect of the electromagnetic spectrum used by the television services shall be the responsibility of a statutory body with legal capacity and administrative, financial and technical autonomy subject to specific legal regulations.

> This body shall develop and execute State plans and programmes in the service referred to in the previous subparagraph."

(k) Article 77: "The direction of policy in respect of television, as determined by the law and without prejudice to the freedoms enshrined in this Constitution, shall be the responsibility of the said body.

> Television shall be regulated by an autonomous national entity subject to special regulations."

748. Act No. 115 of 1994 on the educational system provides:

(a) Article 73: "The National Government shall provide incentives for research and innovation in education and for non-profit institutions whose educational programme has been evaluated as excellent in accordance with the criteria established by the national system of evaluation";

(b) Article 75: "National information system. The Ministry of National Education shall, on the advice of the National Education Board (JUNE), establish and regulate a national information system for formal, non-formal and informal education and for educational support to population groups covered by this Act. The system shall operate in a decentralized manner and shall have as its fundamental objectives: (i) To disseminate information to guide the community on the quality, quantity and characteristics of the institutions; and (ii) To serve as a factor in the administration and planning of education and in determining educational policies at the national and regional levels";

(c) Article 185: "Credit lines, incentives and support. The State shall establish credit lines, incentives and support for State and private educational establishments for programmes for the improvement of educational coverage, construction, improvement of physical facilities, sports and artistic facilities, materials and teaching equipment.

> Pursuant to article 71 of the Constitution, the nation and the regional entities may grant incentives to persons, whether private individuals or persons connected with the public sector, and also to State institutions or the private sector, which undertake research activities in education, science, technology or culture";

(d) Article 207: "Access to communications networks. Enterprises providing local or long-distance national or international telephone services, including the national telecommunications company, Telecom, shall give priority in the use of their networks to public education institutions, whether State-owned or private, enabling them to gain access to databases and information systems of libraries, both national and international."

749. The practical measures taken are as follows:

(a) Act No. 29 of 1990 setting out provisions for the promotion of scientific research and technological development and granting special powers;

(b) Decree No. 393 of 1991 establishing standards for associations engaged in science and technology-related activities, research and new technology projects;

(c) Decree No. 584 of 1991 regulating travel for study abroad by national researchers;

(d) Decree No. 585 of 1991 establishing the National Council for Science and Technology, reorganizing the Colombian Institute for the Development of Science and Technology - Colciencias - and setting out other provisions;

(e) Decree No. 586 of 1991 setting up the present Colombian Institute of Anthropology (ICAN) as a special administrative unit of the Colombian Institute of Culture - Colcultura;

(f) Decree No. 587 of 1991 amending the basic statutes of the National Institute for Geological and Mining Research (Ingeominas);

(g) Decree No. 588 of 1991 amending the basic statutes of the Nuclear Institute (IAN);

(h) Decree No. 589 of 1991 amending Decree No. 3068 of 1968, statutes of the National Fund for Development Projects (FONADE);

(i) Decree No. 590 of 1991 reorganizing the administration and management of the Revolving Fund of the National Statistical Administration (FONDANE);

(j) Decree No. 591 of 1991 governing the terms of contracts to promote science and technology-related activities;

(k) Draft decree on financial incentives for researchers;

(l) National programme for the promotion of science and culture (Cuclícuclí).

5. Legal, administrative and judicial system designed to protect the freedom indispensable for scientific research and creative activity

750. An important component of the process of economic modernization in Colombia is the rationalization of State intervention in the economy through revamping of its means of participation and innovation in the methods and rules for the operations of private agents.

751. To that end, steps have been taken to modernize the regulatory framework so as to ensure that incentives are neutral and the private agents' freedom of choice is preserved. In addition, new forms of participation by private agents have been promoted in economic activities that were formerly considered the sole domain of the State.

(i) National System of Science and Technology

752. The National System of Science and Technology was created by decree No. 585 of 26 February 1991, issued by the National Government in exercise of the powers vested in it by Act No. 29 of 1990. The system was formally set up on 1 October 1991 and marked the beginning of a new dynamic approach to science and technology in Colombia. The scientific community, the academic world and businessmen have heeded the call to participate in the bodies managing the system and in defining plans and policies in this field.

753. Economic liberalization has started to bring an improvement in Colombian industrialists' attitude to innovation and technological development. The universities have been devoting serious attention to the need to renovate in order to face the challenges of a new era. Non-governmental organizations concerned with the promotion and dissemination of knowledge are increasing in number. The media are beginning to take up the theme of science and technological development as a matter of public interest.

754. Decree No. 585 defined the National System of Science and Technology as "an open, non-exclusive system which comprises all science and technology programmes, strategies and activities, whether undertaken by a public or a private institution or by a private individual". In a novel way, it thus becomes a system of activities and not one of institutions. No bureaucracy is created, and efforts are systematized. Any scientific or technological endeavour can enter the system without needing the approval of any organ or official. The scientific or technological nature of an activity is the only factor taken into consideration, in line with international standards of quality and relevance.

(ii) New legislation

755. The Science and Technology Act was promulgated in February 1990 and requires the State to incorporate science and technology into national economic and social development plans and programmes and to formulate both medium and long-term plans in this respect. Similarly, the State will have to establish arrangements for relating its scientific and technological development activities to those being pursued by universities, the scientific community and the private sector in Colombia.

756. The legal framework for reform of the institutional system of science and technology is provided by Act No. 29 of 1990, as developed, inter alia, by Decrees Nos. 393 and 585 to 591 of 1991. The system came into operation with the establishment of the National Council for Science and Technology in October 1991 and the councils of the 11 national science and technology programmes between October and December 1991, as well as the formulation of action plans under the same programmes and the restructuring of Colciencias.

757. The new rules will prove essential for the institutionalization of a new style of economic and social policy which makes the benefits of modern science and technology available to the whole country and which not only serves to reinforce the process of cultural and educational consolidation, but also substantially improves the people's quality of life. These rules will also structure the relationship between the governmental sector, universities, the scientific community and the private sector in the fields of science and technology

758. In connection with science and technology-related activities, Act No. 6 (tax law) provides tax deductions for investors in scientific and technological research (art. 4) or donors contributing to non-profit entities whose social goal is to encourage activities for the common good, including scientific and technological research (art. 3).

759. Furthermore, no income tax is charged for payments made to non-residents of Colombia in connection with services and technical assistance or for conferences, courses or workshops held in Colombia. This provision (art. 5) encourages the employment of experts and scientists whose cooperation is fundamental for national development, particularly in science and technology. Likewise, sales tax is not payable on imports of assets intended for scientific and technological research projects being carried out by universities or research centres (art. 21), or on donations for the same purpose (art. 22). Prizes won in international scientific competitions or contests are also exempt from sales tax (art. 23).

760. Decree No. 2076 regulating Act No. 6, which was issued later, in December 1992, sets out the purposes of scientific and technological research, as well as research programmes and projects, and allows persons allocating resources for such activities to obtain the tax benefits made available by law. The same Decree sets out the general procedures to be followed when applying to the National Council for Science and Technology for confirmation that donations or investments are for science and technology-related activities.

761. In March 1993, decisions 4 and 5 of the National Council established the procedure for the submission of donations and investments for the purpose of entitlement to tax benefits.

(iii) National science and technology programmes

762. The National System of Science and Technology is a participatory and decentralized system comprises science and technology programmes, "programme" being defined as a "range of scientific and technological concerns structured in terms of objectives, targets and fundamental tasks, which takes the form of projects or other related activities undertaken by public or private entities, community organizations or private individuals" (Decree No. 585, art. 5).

763. Not defining programmes as "areas of knowledge" or "sectors of national activity" creates the possibility of interdisciplinary and multisectoral activities. The above definition also makes it possible to gear research and development activities to priorities set in relation to the particular problems faced by each programme, and not by the institutional organization.

Each programme is built up having regard to a specific set of concerns, which may be shared with other programmes. Cooperation and coordination are therefore essential.

764. Programme activities are pursued in practice through projects which either originate from the initiatives of researches or public or private entities or are commissioned by one of the bodies of the National System of Science and Technology. The relevant national programme council allocates public or private resources according to availability.

765. The role of science and technology programmes, both national and regional, is defined in the relevant legislation as follows:

> "Science and technology programmes shall be developed through projects. These may originate from the initiative of researchers or legal persons in the public or private sector, or from requests by any of the bodies in the National System of Science and Technology." (Decree No. 585, art. 6).

766. Eleven programmes have so far been defined, but others may be set up if warranted.

(iv) Human resource training

767. Efforts have been made to respond to the demand for training of human resources to a high level, and this has been formalized in training agreements.

768. Support has also been given to efforts to promote and build up science and technology networks and a programme of financial incentives for researchers is now being implemented.

769. Colombian researchers from the various parts of the country can apply for "loan-grants" to pursue doctoral or postdoctoral studies at foreign universities and in some Colombian universities.

770. The successful candidates, who have received "cancellable loan-grants", belong to a variety of research groups and make up the human resources with which the country hopes to meet the challenges of modernization.

771. The education and training programme has sought to support the preparation of doctoral candidates, both abroad and at home, in accordance with the criteria of quality, relevance and efficiency. In all cases the decisions have been based on an analysis of the individual proposals made to Colciencias, the System's technical secretariat.

(v) Internationalization of science and technology-related activities

772. The aim is to establish a close relationship between the productive sector and the scientific community capable of producing advances in science and technology that are of international quality. Both the training and the work of the researchers have to be brought into line with international standards.

773. This commitment is given effect through activities such as cooperation with groups abroad, involvement in international science programmes or looking for relevant national experience conducive to making pioneering advances in partnership or in competition with leading groups around the world. The quality of the know-how produced in Colombia has to be evaluated by international standards. Publications in internationally-renowned scientific journals thus have a preponderant role in the National System of Science and Technology. Just as developments resulting in technological innovations have to be tested in the international market, so advances which help to enhance the country's research capacity must prove themselves to the international scientific community.

774. The Colombian Network for Researchers Abroad, Red Caldas, is a programme that has been run by Colciencias since 1991 with the object of linking up Colombian researchers resident abroad with their counterparts in Colombia.

775. The Network has more than 1,000 members linked to nodes (centres for distributing information to users) in 22 countries. At each node there is a coordinator, designated by Network members living in the region, who is responsible for receiving and distributing Network information among the members.

776. The Repatriation of Colombian Researchers Programme has been set up to encourage the return to the country of those Colombian researchers living abroad who may be interested in undertaking science and technology-related activities of high strategic value for an academic institution, research group or company in the productive sector in Colombia.

777. The Bolivar Programme, supported by the Inter-American Development Bank, is a valued tool for funding the science and technology-related efforts made by the Bank and borrowing countries with a view to incorporating the technological dimension into the process of Latin American integration.

(vi) Regionalization strategy

778. The regionalization of science and technology forms part of the process of political, administrative and fiscal decentralization to which the country is committed and falls within the framework of the pluralistic and participatory society referred to in the new Constitution. The idea behind regionalization is to build the Nation from and with the regions, promoting heterogeneity while endeavouring to strike a balance and providing access to national processes through participation of the various regional agents.

779. In a country marked by regional differences, the strategy for developing science and technology has to be regional. Regionalization, therefore, is fundamental to the National System of Science and Technology.

780. In 1992 the National Council for Science and Technology set up five regional science and technology missions in Cartagena. These cover: Orinoco and Amazon regions; Atlantic coast; Centre-East; North-West and West.

(vii) New information systems

781. A project is under way to develop a national and regional information system for foreign trade, agriculture, science and technology and to strengthen the national planning information system.

782. A Centre for Innovation, Dissemination and Transfer of Technology Corporation (COCETT) has been set up and, in cooperation with the EU, is developing a business information system that will make it possible to establish contacts between suppliers and customers, not only nationally but with the EU member countries, and also to obtain information rapidly about patents, standards and other aspects relevant to the search for international markets.

(viii) Other arrangements

783. Resources have been allocated for the creation of mixed-economy corporations to undertake projects aimed from the outset at the private sector, strengthening the relationship which must exist between research centres, the public sector and the private sector, in a common effort to promote developments in science and technology in various fields. These include a corporation for the promotion of technology-based businesses and the establishment of a promotional centre in Bogota; a biotechnology research corporation; an aquaculture research association; a corrosion research corporation; a corporation concerned with the scientific and technological development of welding; Corpoica; Corporacion Colombia Internacional; and Corporacion Calidad.

784. In addition, efforts have been made to address present needs in the areas of technical standardization, certification and metrology, bearing in mind the regulatory framework (Decree No. 2269 of November 1993) that will govern these activities and that serves, with the coordination of the industry and trade authorities, to direct and monitor national programmes of industrial quality control, weights and measures and metrology, and to set up quality control and metrology laboratories, as well as accredit and supervise the certification agencies and testing and calibration laboratories forming part of the national certification system.

6. International cooperation

785. Colombia is a party to or member of, inter alia, the following instruments or bodies concerned with international cooperation in science and technology:

High-level group on science and technology of the G-3 (Colombia, Mexico and Venezuela);

Cooperation projects with ORSTOM (France);

PCP agreements for doctoral training (France);

Andean Group-European Community Commission for Science and Technology;

Agreement on cooperation in science and technology (British Council-Colciencias);

Cooperation agreement with the Russian Federation;

Active member of CYTED (Iber-American Programme of Science and Technology for Development).

786. The participation of scientists and other persons in scientific research, conferences, symposiums, seminars and other international scientific events is governed by Decree No. 584 of 1991, which regulates "travel for study abroad by national researchers", i.e. travel to another country for activities including education, training and skills upgrading - for example, in advanced training programmes, courses, apprenticeships, study visits to research centres, laboratories or technology parks, or attendance at seminars, forums, congresses, symposiums or workshops.

Notes

1/ For the years 1990 and 1991, figures from the Office of the Comptroller General of the Republic were used. Information for the year 1992 comes from the Public Investment Unit of the National Planning Department, and the figures for 1993 and 1994 are supplied by the Ministry of Housing and Public Loans. For an analysis of the figures, it was impossible to use a single source of information because the Comptroller's Office did not take account of data for 1993 and 1994 and the most precise information for 1992 was reported by the bodies concerned to the National Planning Department.

All estimates were calculated in millions of 1993 pesos. For 1992 and 1993, the information relating to the Social Security Institute was taken from the report on actual operations prepared by that body, since it provided figures closer to the latter's actual expenditure in the period concerned, following accrual of budgetary and cash reserves during the same period.

2/ Increases in real terms between 1992 and 1993 amounted to 66 per cent for the judicial system, 36 per cent for infrastructure and 30 per cent for defence.

3/ Nutrition data relate only to the Colombian Family Welfare Institute (ICBF), as the agency with exclusive responsibility for policy and projects in this subsector.

4/ The breakdown of spending by ICBF for all years shows that roughly 85 per cent of total expenditure corresponds to investment and 15 per cent to operating expenses.

5/ Social expenditure in this sector involves the funds allocated to drinking water programmes run by the following agencies: Minsalud, SIP, Minhacienda, DRI, DAINCO, Mingobierno, Agrarian Fund, Autonomous Regional Corporations, and Fund of the office of the President.

6/ The adjustment plan for the drinking water and basic sanitation sector - PAS - constitutes a set of integrated activities centred on a loan programme for the benefit of local and regional authorities, based on criteria of efficiency. PAS was supplemented by the establishment of a programme of technical assistance (AT) which supports the work of assistance to the regions through the technical units of the CORPES and operates through the planning offices of Departments.

7/ This Fund was restructured under Law No. 104 of 1993 by the creation of the Road Co-financing Fund and the Fund for the Joint Financing of Urban Infrastructure.

8/ Socio-economic stratification, maps of poverty incidence in terms of unsatisfied basic needs, lists of slum areas below normal poverty levels in certain medium-sized towns, housing censuses and registers of public service bodies.

9/ For this purpose, the National Planning Department, through the Task Force, has prepared a Socio-economic Classification Form for homes, families and individuals. This form is already available, and will be used by all municipal and district authorities as from January 1995. Other aids include epidemiological studies, information collected by social workers and health workers in the course of home visits, information from ICBF on the family's nutritional status and circumstances, and finally data compiled by the Malaria Eradication Service on risk factors in housing.
